HOUSE OF REPRESENTATIVES—*Thursday, June 5, 1986*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. WRIGHT].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 4, 1986.

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Thursday, June 5, 1986.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are grateful, O God, for the direction and purpose You give to our lives. Too often we wander and lose perspective and the potential You have given us is not realized. We thank You, gracious God, that Your light brightens our world and our lives and by seeing that light we know who we are, from where we have come and see direction and purpose for the days ahead. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. McKERNAN. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McKERNAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 263, nays 115, answered "present" 3, not voting 52, as follows:

[Roll No. 144]

YEAS—263

Ackerman	Frost	Moody
Akaka	Fuqua	Moore
Alexander	Garcia	Morrison (CT)
Anderson	Gaydos	Mrazek
Andrews	Gejdenson	Murphy
Annunzio	Gephardt	Murtha
Archer	Gibbons	Myers
Aspin	Gilman	Natcher
Atkins	Glickman	Neal
Barnard	Gonzalez	Nelson
Barnes	Gordon	Nowak
Bateman	Gradison	Oakar
Bates	Gray (IL)	Oberstar
Bedell	Gray (PA)	Obey
Beilenson	Green	Olin
Bennett	Guarini	Ortiz
Berman	Hall (OH)	Owens
Bevill	Hamilton	Packard
Biaggi	Hatcher	Panetta
Boland	Hayes	Pease
Boner (TN)	Hefner	Pepper
Bonior (MI)	Hertel	Perkins
Borski	Hillis	Petri
Bosco	Holt	Price
Boucher	Hopkins	Pursell
Boxer	Horton	Quillen
Brooks	Hoyer	Rahall
Broomfield	Hubbard	Rangel
Brown (CA)	Huckaby	Ray
Broyhill	Hughes	Regula
Bruce	Hutto	Reid
Bryant	Jeffords	Richardson
Burton (CA)	Jenkins	Rinaldo
Bustamante	Johnson	Ritter
Byron	Jones (NC)	Robinson
Callahan	Jones (OK)	Roe
Carper	Jones (TN)	Rose
Carr	Kanjorski	Rostenkowski
Chapman	Kaptur	Rowland (GA)
Chappell	Kastenmeier	Roybal
Coats	Kemp	Rudd
Coelho	Kennelly	Russo
Coleman (TX)	Kildee	Sabo
Collins	Kleczka	Savage
Combest	Kolter	Scheuer
Conyers	Kostmayer	Schneider
Cooper	LaFalce	Schumer
Coyne	Lantos	Sharp
Crockett	Latta	Shumway
Daniel	Leath (TX)	Sisisky
Darden	Lehman (CA)	Skelton
Daschle	Lehman (FL)	Slattery
de la Garza	Lent	Smith (FL)
Derrick	Levin (MI)	Smith (IA)
Dicks	Levine (CA)	Smith (NE)
Dingell	Lipinski	Smith (NJ)
Donnelly	Livingston	Snyder
Dorgan (ND)	Long	Solarz
Dowdy	Lowry (WA)	Spence
Downey	Lujan	Spratt
Duncan	Luken	Staggers
Durbin	MacKay	Stallings
Dwyer	Manton	Stark
Early	Markey	Stenholm
Eckart (OH)	Martinez	Stokes
Eckert (NY)	Matsui	Stratton
Edwards (CA)	Mavroules	Studds
English	Mazzoli	Sweeney
Erdreich	McCloskey	Swift
Evans (IL)	McCurdy	Synar
Fascell	McDade	Tallon
Fazio	McEwen	Tauzin
Feighan	McHugh	Taylor
Fish	McKinney	Thomas (GA)
Flippo	McMillan	Torricelli
Florio	Mica	Towns
Foglietta	Michel	Traficant
Foley	Mikulski	Udall
Ford (MI)	Miller (WA)	Valentine
Fowler	Mineta	Vento
Frank	Moakley	Visclosky
Franklin	Montgomery	Volkmer
Watkins	Whitten	Wyden
Waxman	Wirth	Wylie
Weiss	Wise	Yates
Wheat	Wolpe	Yatron
Whitehurst	Wortley	Young (MO)
Whitley	Wright	

NAYS—115

Armey	Hansen	Roemer
Bartlett	Hendon	Rogers
Barton	Henry	Roth
Bereuter	Hiler	Roukema
Bilirakis	Ireland	Rowland (CT)
Bliley	Jacobs	Saxton
Boehlert	Kolbe	Schaefer
Boulter	Lagomarsino	Schroeder
Brown (CO)	Leach (IA)	Schuette
Burton (IN)	Lewis (CA)	Sensenbrenner
Carney	Lewis (FL)	Shaw
Chandler	Lightfoot	Shuster
Cheney	Lloyd	Sikorski
Clay	Loeffler	Siljander
Clinger	Lott	Skeen
Cobey	Lowery (CA)	Slaughter
Coble	Lungren	Smith, Denny (OR)
Coleman (MO)	Mack	Smith, Robert (NH)
Conte	Madigan	Smith, Robert (OR)
Crane	Marlenee	Snowe
Dannemeyer	Martin (IL)	Solomon
Daub	Martin (NY)	Strang
DeLay	McCain	Stump
DeWine	McCandless	Sundquist
Dickinson	McCollum	Swindall
DioGuardi	McGrath	Tauke
Dornan (CA)	McKernan	Thomas (CA)
Dreier	Meyers	Vander Jagt
Edwards (OK)	Miller (OH)	Vucanovich
Emerson	Molinari	Walker
Evans (IA)	Moorhead	Weber
Fawell	Morrison (WA)	Whittaker
Fields	Nielson	Wolf
Frenzel	Oxley	Young (AK)
Gallo	Parris	Young (FL)
Gekas	Pashayan	
Goodling	Penny	
Gregg	Porter	
Gunderson	Ridge	
Hammerschmidt	Roberts	

ANSWERED "PRESENT"—3

Bonker	Dymally	St Germain

NOT VOTING—52

Anthony	Ford (TN)	Monson
Applegate	Gingrich	Nichols
AuCoin	Grotberg	O'Brien
Badham	Hall, Ralph	Pickle
Bentley	Hartnett	Rodino
Boggs	Hawkins	Schulze
Breaux	Heftel	Seiberling
Campbell	Howard	Shelby
Chappie	Hunter	Stangeland
Coughlin	Hyde	Torres
Courter	Kasich	Traxler
Craig	Kindness	Walgren
Davis	Kramer	Weaver
Dellums	Leland	Williams
Dixon	Lundine	Wilson
Dyson	Miller (CA)	Zschau
Edgar	Mitchell	
Fiedler	Mollohan	

□ 1010

So the Journal was approved.

The result of the vote was announced as above recorded.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

□ 1020

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to make an announcement regarding the schedule for today.

In view of the number of amendments remaining to be acted on to the housing bill, which is our principal order of business today, the desire to take action on another piece of legislation, H.R. 4784, transferring certain property for homeless shelters in the District of Columbia, and our desire to adopt the rule today so that we may act upon the bill Tuesday and get general debate behind us on the Domestic Volunteer Service bill, in order to expedite action on the housing bill today it is the intention of the Chair to recognize only five Members on each side at this time for 1 minute speeches. There will be five 1-minute statements recognized on each side of the aisle and then we will proceed into the Committee of the Whole House on the State of the Union for the further consideration of the Housing Act, H.R. 1.

The Chair recognizes the gentleman from Missouri [Mr. YOUNG].

INTRODUCTION OF CHILD ABUSE VICTIMS RIGHTS ACT OF 1986

(Mr. YOUNG of Missouri asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YOUNG of Missouri. Mr. Speaker, today, Representative MARK SILJANDER is introducing the Child Abuse Victims Rights Act of 1986. I am proud to be an original cosponsor of this important legislation.

The creation and proliferation of child pornography is no less than a national tragedy. More than 1½ million children under the age of 18 are believed to be filmed or photographed while engaging in sexually explicit acts. In addition, the FBI reports that one in four females now living will be sexually molested or raped prior to reaching age 20. Equally alarming statistics exist for young boys.

In my home State of Missouri, we have witnessed a disturbing phenomenon, an increase in the sexual abuse of children.

Recently the Missouri Division of Family Services provided my office with alarming statistics which reflect a tremendous growth in the number of sexual abuse cases that the State now handles.

For a 3-year period beginning in 1982, the State reported a 103.5-percent increase in the number of substantiated cases of sexual abuse. The substantiated caseload of sexual abuse complaints increased from 1,397 in 1982 to 2,844 in 1985.

These statistics are horrifying, and they should warn us that our country is still facing major obstacles in battling the exploitation of our children.

During the Memorial Day recess, I made it a point to spend several hours at the Edgewood Children's Center in St. Louis. Edgewood is a wonderful facility which focuses its resources on minimizing the indeliable mark left by the trauma of abuse.

My visit proved to be a heartbreaking experience for me as I saw the faces of young minds and bodies who were the victims of callous and brutal attacks. Spending time at Edgewood was a painful dose of reality. I believe if each of us had the time to make a personal observation of the mental and physical damage inflicted on children, this bill would be fast-tracked through Congress.

I am convinced that we cannot underestimate the damage done to our society by those who abuse children.

An exploited child requires extensive physical and emotional therapy. And personally, I wonder if they can ever recover from such a degrading experience.

Unfortunately, all too many of these young people do not receive help. They must spend countless hours in internal turmoil over this humiliating experience. What a cruel burden for anyone to have to carry through life, let alone a young person who should have so much ahead of them.

It is imperative that we continue to work to decrease the number of children who are maligned each year by sexual abuse. And let's remind ourselves that these numbers are not just faceless statistics, they are our children.

The Child Abuse Victims Rights Act of 1986 is a crucial piece of legislation. This bill would at last add the sexual exploitation of children part to the Racketering Influence and Corrupt Organizations [RICO] statutes, allowing investigators and prosecutors to use wiretaps, special grand juries, and expanded subpoena authority to arrest and convict child molesters.

The Child Abuse Victims Rights Act also raises the mandatory minimum sentence for a person with a prior conviction of sexual exploitation from 2 to 5 years, instituting a mandatory minimum sentence of 5 to 25 years for repeat child pornographers and molesters, and a mandatory life sentence for the murder of a kidnaped child.

In the 98th Congress, we approved legislation strengthening the penalties for child abuse; however, the inclusion of this crime in RICO is absolutely necessary. Without this, we lack sufficient enforcement tools to combat organized efforts of exploitation.

As Members of Congress, we must do all that is possible to protect our children from sexual exploitation, while providing strict punishments when violations do occur. I urge my colleagues to recognize the severity of this inexcusable crime and join with me in cosponsoring the Child Abuse Victims Rights Act of 1986.

IMPEACH HARRY E. CLAIBORNE, U.S. DISTRICT JUDGE FOR NEVADA

(Mr. SENSENBRENNER asked and was given permission to address the House for 1 minute to revise and extend his remarks, and to include extraneous material.)

Mr. SENSENBRENNER. Mr. Speaker, June 4, 1986, has come and gone. Federal Judge Harry E. Claiborne of Nevada has refused to resign. He is sitting in prison earning his full $78,100-per-year salary, and in doing so he has challenged the Congress of the United States to impeach him and to place him on trial in the U.S. Senate, because this individual, through his conviction of income tax evasion, is unfit to sit on the bench or hold public office.

I have drafted a one-count article of impeachment which I will present to the House of Representatives should the Judiciary Committee fail to act and the leadership schedule an impeachment resolution on the floor before we leave on the Fourth of July. This article of impeachment declares that Harry E. Claiborne by his conduct warrants impeachment and trial and removal from office.

The one count says that the reasonable and probable consequence of his conviction and refusal to resign is to bring his court into scandal and disrepute and to prejudice public respect for and confidence in the Federal judiciary.

Mr. Speaker, I insert the resolution into the RECORD at his point, as follows:

H. RES. —

Resolution impeaching Harry E. Claiborne, Chief Judge of the United States District Court for the District of Nevada, of high crimes and misdemeanors

Resolved, That Harry E. Claiborne, Chief Judge of the United States District Court for the District of Nevada is impeached of a high crime or misdemeanor, and that the following article of impeachment be exhibited to the Senate:

Article of impeachment exhibited by the House of Representatives of the United States of America in the name of itself and all the people of the United States of America, against Harry E. Claiborne, Chief Judge for the United States District Court for the District of Nevada, in maintenance and support of its impeachment against him.

ARTICLE

Harry E. Claiborne, while a United States district judge for the district of Nevada, was guilty of a high crime or misdemeanor in office in that:

On August 10, 1984, Harry E. Claiborne was convicted by a jury on two counts of a felony crime, willfully underreporting his income on his 1979 and 1980 Federal income tax returns under section 7206(1) of the Internal Revenue Code of 1954.

On October 3, 1984, Harry E. Claiborne was sentenced to a term of two years' imprisonment, and fined and assessed the costs of the prosecution.

On May 16, 1986, Harry E. Caliborne began serving the sentence of imprisonment at Maxwell Air Force Base, Montgomery, Alabama, while continuing to hold office of judge of a United States district court.

Harry E. Claiborne has consistently and adamantly refused to resign the position of judge of a United States district court and continues to retain that office. Harry E. Claiborne has not exercised any of the duties of the office of judge of a United States district court since late 1983, however, because he has been on leave of absence from the bench.

The reasonable and probable consequence of the conduct of Harry E. Claiborne specified in this article is to bring his court into scandal and disrepute, to the prejudice of that court and public confidence in the administration of justice therein, and to the prejudice of public respect for and confidence in the Federal judiciary, and to render him unfit to continue to serve as such judge.

Wherefore Harry E. Claiborne, by such conduct, warrants impeachment and trial, and removal from office.

ADMINISTRATION ONCE AGAIN SAYS NO TO PEACE AND ARMS CONTROL

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous material.)

Mr. RICHARDSON. Mr. Speaker, the Reagan administration has said it is saying no to abiding by the SALT II treaty, the cornerstone of arms control in the world community. Once again the reactionary right within the administration has prevailed.

Once again it appears that the United States is saying no to peace and arms control. In making this unfortunate decision, the administration is isolating itself from the world community. Our European allies, noted military experts and key military officers within the administration all have expressed deep misgivings over this action.

There is no question that the Soviets have engaged in some violations, especially in the telemetry area; but that is no reason to junk the work and commitment of the past five American Presidents, Americans and Democrats.

This should not be a partisan issue. Mr. Speaker, both of us on both sides of the aisle should join together in trying to overturn this unfortunate decision.

Let us support the legislation introduced by the gentleman from Washington [Mr. DICKS] which correctly tries to address this problem.

Mr. Speaker, I include the following on the case for preserving SALT II:

SOVIET SALT DEACTIVATIONS

The SALT I and SALT II accords have required the Soviet Union to remove 1,007 ICBMs, 233 SLBMs, and 13 Yankee-class nuclear missile-carrying submarines:

In order to comply with the SALT I and II "freeze" on "heavy" ICBMs, between 1973-80 the Soviet Union withdrew 288 SS-9 ICBMs as SS-18 ICBMs entered the force. SALT II also prohibited the Soviet Union from testing and deploying a "new" heavy ICBM and limited the extent to which existing heavy ICBMs could be modernized.

Between 1974-84, the Soviet Union removed 510 SS-11 ICBMs as newer SS-17, SS-18 and SS-19 ICBMs were deployed.

Between 1979-85, the Soviet Union dismantled the missile-carrying portion of 13 Yankee-class submarines as new Delta- and Typhoon-class subs were added.

Between 1975-78, the Soviet Union dismantled 209 SS-7 and SS-8 ICBM launchers to allow for permitted increases in SLBMs.

Between 1977-85, the Soviet Union removed 212 SS-N-6 SLBMs as SS-N-18 and SS-N-20 SLBMs were introduced.

Between 1980-85, the Soviet Union removed 15 SS-N-5 SLBMs as it increased the number of SS-N-18 SLBMs.

Between 1983-85, the Soviet Union removed six SS-N-8 SLBMs as it increased the number of SS-N-20 SLBMs.

Had SALT II been ratified, the Soviet Union would have been obligated to reduce its aggregate number of ICBMs, SLBMs, and heavy bombers to 2,400 and then to 2,250 by January 1, 1981. Under those limits, the Soviet Union would have been obligated to dismantle approximately 250 additional launchers, probably ICBMs.

Between 1985-90, SALT II will require the Soviet Union to remove older ICBMs and SLBMs as new ones are deployed. Although the precise number of retirements will depend on the number and character of the new systems the Soviets deploy, they will have to deactivate approximately 500 to 600 missiles and launchers.

Between 1985-90, the Soviet Union is expected to deploy 250 SS-25 single-warhead ICBMs. For every SS-25 deployed in a silo, an SS-11 or SS-13 ICBM will have to be removed. For every SS-25 deployed in a mobile mode, an SS-11 or SS-13 silo will have to be destroyed. (Recent reports indicate that the Soviet Union has begun dismantling SS-11 silos.)

Between 1986-90, the Soviet Union is expected to deploy 135 new SS-24 ten-MIRV ICBMs. For every SS-24 deployed in a silo, a MIRVed SS-17, SS-18 or SS-19 will have to be removed. For every SS-24 deployed in a mobile mode, an SS-17, SS-18, or SS-19 silo will have to be destroyed.

Between 1985 and 1988, the Soviet Union is expected to continue deployments of its MIRVed SS-NX-23 and SS-N-20 SLBMs. Prior to reaching the 1,200 ceiling on MIRVed launchers, the Soviets will have to remove an existing single-warhead SLBM for each SS-NX-23 or SS-N-20 deployed in order to stay within the overall aggregate of 2,504 launchers. In all, 80 SS-N-6s and SS-N-8s will probably be deactivated.

Once the 1,200 ceiling on MIRVed launchers is reached, the Soviet Union will be obliged to retire the MIRVed SS-N-18 SLBM or a MIRVed ICBM for every SS-N-20 and SS-NX-23 SLBM deployed. In all, 64 such systems will probably be removed.

Between 1985-90, the Soviet Union is expected to continue deployment of one Delta- and one Typhoon-class sub per year. For every sub deployed, the Soviet Union will have to dismantle the missile-launch section of a Yankee- or older Delta-class submarine.

ALL FALL DOWN

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, a Norwegian folk-tale tells us why the bear is stumpy-tailed. Once upon a time the bear had a long and bushy tail like the fox. The two animals met as the fox was carrying a string of stolen fish. When the bear showed interest in the catch, the fox sent him fishing to the frozen lake. "You only have to cut a hole in the ice and stick your tail into it. The longer you keep it there, the more fish you'll get. Then all at once out with it, and with a strong pull, too." The bear did as the fox had suggested. He kept his tail in the lake until it froze solid. When he tried to jerk it out, his tail snapped. And that's why the bear's tail is stumpy to this day.

According to news reports, Norway's new labor government ended a damaging run on the crown with the largest devaluation since 1949. Prime Minister Gro Harlem Brundtland said that the devaluation, amounting to 12 percent, was vital as Norway's oil-based economy was out of control because of falling oil prices.

The Norse bear lost its tail, but did not get the fish. His only consolation is that he is in excellent company. Uncle Sam has also fallen victim to the same trick, when he let himself be persuaded that the dollar was ripe for mutilation.

Mr. Speaker, we must recognize these signs for what they are: competitive currency devaluations in the service of trade war. The only way to stop the destruction of currencies and to stop the trade war is to stabilize the gold content of the dollar.

BATTLE OF NORMANDY MUSEUM

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous material.)

Mr. GIBBONS. Mr. Speaker, 42 years ago on both sides of the Atlantic, in the United Kingdom and in occupied Europe, the largest forces that mankind has ever seen gathered to fight each other. On June 6, 1944 the largest land, air, and sea battle that man has ever participated in began.

The French people have decided to commemorate this historic battle and to try to draw as many truths from it as possible. They have decided to build a museum in Normandy to celebrate

the battle of Normandy, a battle while beginning on June 6 lasted for 6 weeks and perhaps longer.

Yesterday I introduced a resolution urging that we cooperate with the French in this venture. A committee has been formed to cooperate with the French at no expense to this Government.

At this time I would like to urge the Members of the House to examine this resolution, to pass it and to support this operation.

Mr. Speaker, I am inserting at this point in the RECORD the names of those who are members of the board of directors and advisors to this new museum.

U.S. COMMITTEE FOR THE BATTLE OF NORMANDY MUSEUM BOARD OF DIRECTORS AND ADVISORS

Serge Bellanger, President, French-American Chamber of Commerce in the United States, New York, New York.

Mrs. Omar N. Bradley, Los Angeles, California.

Anthony J.A. Bryan, President, Copperweld Corporation, Pittsburgh, Pennsylvania.

General J. Lawton Collins (Advisor), Washington, D.C.

Pierre Comant, Former Minister Plenipotentiaire, Embassy of France, Caen, France.

Senator Robert Dole, Senate Majority Leader, Washington, D.C.

Representative Sam Gibbons, Washington, D.C.

Jean-Marie Girault, Senator-Mayor of Caen, Caen, France.

Senator Paul Laxalt, Washington, D.C.

His Excellency Emmanuel de Margerie, Ambassador of France to the U.S., Washington, D.C.

Senator Charles McC. Mathias, Washington, D.C.

The Honorable Joe M. Rodgers, Ambassador of the U.S. to France, Paris, France.

Paul C. Sheeline, Former Chairman of the Board, Intercontinental Hotels Corporation, New York, New York.

Anthony C. Stout, Chairman, Government Publishing Corporation, Washington, D.C.

General Maxwell D. Taylor (Advisor), Washington, D.C.

Senator Strom Thurmond, Washington, D.C.

General John W. Vessey, Former Chairman, Joint Chiefs of Staff, Garrison, Minnesota.

General Vernon A. Walters, New York, New York.

VIOLATION OF HUMAN RIGHTS IN ROMANIA

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, what will it take for us to take a stand against the repression of Christians in Romania? The administration, yesterday, urged continuation of most-favored-nation trade status even though it acknowledges the abyssmal human rights record: What will it take?

Father Calciu: Was in prison for 21 years for refusing to take a factory job, refusing to deny his priesthood. He was subjected to periods of 10 days during each period during which he was given no food, no water, no heat, and no clothes. At the end of those periods when convulsing violently, he would be given 2 days' worth of food and then put back on 10 days of deprivation. This went on for 100 days. The Romanians wanted to keep him alive to break him. For 100 days Father Calciu countered and refused to submit and went on a hunger strike himself, and finally they became very concerned that he would die. And they began to feed him.

Father Palfi: Arrests of religious activists do result in death. Recent examples of deaths of clergymen resulting from arrests include as follows: In his Christmas Eve sermon in 1983, Rev. Gaza Palfi opposed an edict by President Ceaucescu making Christmas Day an ordinary working day. The next day, this Catholic priest was arrested and severely beaten, particularly around the liver. He was taken to a clinic where he died 2 months later, not having responded to treatment, simply because he felt that Christmas should be a holiday. The Romanian secret police arrested him, beat him up, and he later died.

Bibles turned into toilet paper.

Churches being bulldozed.

If we stand for human rights for our global family, then we should stand by the laws of our Nation which reward, economically, those countries pursuing human rights goals and does not support those that do not. As Anatoly Shcharansky reminded us recently, weak agreements only make those suffering behind the Iron Curtain more despondent. They are taking the tough line on the front; the least Western diplomats can do is to remember them in between the caviar and cocktail parties.

REMEMBERING OUR HOSTAGES

(Mr. PEASE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Fifteen months ago, Terry Anderson, a native of Lorain, OH, in my district, was kidnaped by gunmen in West Beirut. It is not bad enough that his family has not heard one word from him since that grim day, but we still do not even know who is holding him or where. It would compound an already tragic situation if we were to lose sight of the importance of getting Terry Anderson and the other four American hostages safely back to their families.

Crises all over the world compete for our attention. New ones crop up all the time. But we cannot allow the fates of our fellow citizens in captivity to become yesterday's news.

A hundred of us have joined forces in a public appeal to Syrian President Assad on humanitarian grounds to intervene in the matter. There are strong indications that his personal relationship with the Lebanese people could help secure the hostages' release, and we owe it to the hostages to pursue this option.

The most recent news of increased fighting in West Beirut can only heighten what must be an unbearable anxiety for the families of these innocent people held captive. All of us in this House join people across the country in hoping and praying that the efforts already underway will lead to the prompt release of the five.

Thus, Mr. Speaker, I rise to remind the House of the continued incarceration of our hostages who have been over there for over 1 year now.

These are Americans who symbolize the very things that we stand for; in the case of Terry Anderson, freedom of expression, freedom of the press.

It seems to me that we have to do everything we can, as Members of the House are doing that with an appeal to President Assad, to try to bring those hostages back.

Mr. Speaker, I urge my colleagues to join us in this endeavor.

□ 1035

EASING THE LIABILITY INSURANCE CRISIS

(Mr. SHUMWAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHUMWAY. Mr. Speaker, voters in my home State of California have just approved a proposition on the June ballot to limit some "pain and suffering" awards, and also to ease the current liability insurance crisis. By a vote of 62 to 38 percent, Californians have led the way in addressing this problem which has been ignored for entirely too long.

As the original House sponsor of legislation to provide needed reforms in the field of product liability law, I applaud the outcome of California's proposition 51. Clearly, our citizens and voters are making their views known. They are exasperated with a system gone haywire, one which is unfair to consumers and also to manufacturers. The bills I have introduced offer appropriate vehicles for resolving the product liability crisis, and I urge my colleagues to join me in cosponsorship.

DOUBTFUL CREDIBILITY OF SOVIET UNION ON SALT II

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker and Members of the House, already there is

forming a rush to criticism and rush to judgment on the position of the President of the United States, the preliminary position, I might add, on SALT II.

Has anyone in the Congress of the United States formed an opinion already based on the credibility of the Soviet Union in any agreement that can be reached with them? Do we need to recall the violations of all the agreements ever entered into between the United States and the Soviet Union to try to form a proper perspective for the ensuing debate on SALT II?

The most recent example is one that should loom high in this debate, and that is the misinformation, yes, the reluctance of the Soviet Government and Gorbachev and all his cronies in giving the world the fullest possible information on the nuclear disaster in the Ukraine. Is there any more proof required that we are dealing with a society that cannot be trusted, a society that will not be forthcoming on things that endanger the world, let alone endanger the Soviet citizens, which some do?

When we begin the debate on SALT II, we still must remember with whom we are dealing.

U.S. POSTAL SERVICE BOARD OF GOVERNORS

(Mr. GARCIA asked and was given permission to address the House for 1 minute.)

Mr. GARCIA. Mr. Speaker, I am sure that many of my colleagues on both sides of the aisle have been shocked by the recent disclosure of the guilty pleas entered by Peter Voss who has recently resigned as Vice Chairman of the USPS Board of Governors. Mr. Voss pleaded guilty to taking bribes in trying to get the Postal Service to award a $250 million contract to a Dallas-based firm for the purchase of optical character readers which are high speed machines to aid with mail sorting. He has also pleaded guilty to embezzling money from the Postal Service by collecting funds for first-class airline tickets when he actually traveled in coach class. Through his schemes he defrauded the Postal Service of at least $43,000.

Such acts of felony by a member of the Postal Board of Governors casts serious doubts on the credibility and the integrity of the entire Board. One issue that has become more and more questionable since the news of Peter Voss' criminal activities is the forced resignation of Paul Carlin as the Postmaster General early this year. When the Committee on Post Office and Civil Service held a hearing to investigate the replacement of PMG Paul Carlin the Chairman of the Postal Board of Governors could not justify the removal of Mr. Carlin. As it turns out Mr. Carlin was the one who first became suspicious that the Dallas-based firm would be awarded a contract without going through a fair and impartial procurement process. Mr. Carlin initiated an investigation into this matter by the Postal Inspection Service. In the meantime, Mr. Voss effectively influenced the Board of Governors to remove Carlin as the Postmaster General. On the same day that Mr. Carlin was removed, the current Board members elected Mr. Voss as Vice Chairman of the Board despite the fact that media, including the Washington Post, had disclosed the abuses by Voss of his expense account and lavish spending on personal travel. It is evident that Mr. Carlin's courageous efforts to protect the public from the criminal activities inside the Board led to his being fired by the Board. Mr. Carlin has become the victim of the criminal actions by Mr. Voss.

Recently, the Postal Board Chairman, John McKean, issued a self serving press release giving the Board credit for exposing Mr. Voss' criminal schemes. I say the credit belongs to this legislative body, in particular the Committee on Post Office and Civil Service chaired by our colleague, WILLIAM FORD. As early as September 1984 the committee held an oversight hearing in which I raised a number of questions relating to the expense abuses of the Board of Governors. Despite the numerous investigations underway, there are still many questions that are left unanswered and are in need of thorough investigation.

However, that investigation should not be done by the Postal Board of Governors as was announced by the Board Chairman, Mr. McKean. We have the Postal Inspection Service investigating into this matter as well as the Department of Justice and the General Accounting Office. The Board should not be allowed to conduct an investigation of itself with its own hand-picked law firm which has been of counsel to the Board since 1982. Such an investigation will certainly raise questions of bias and is a waste of our taxpayers' money. I do defer to our colleague, WILLIAM FORD, who chairs the oversight committee on the Postal Service who wishes that Congress not interfere with the proceedings of the grand jury during an investigation of Mr. Voss' case. However, if history is any indication of the laxity in the process of the Justice Department's investigations on matters referred to them, I will personally assure that there will be a thorough congressional investigation of the issues that have seriously tainted the credibility of the Postal Board of Governors. I want the Postal Board of Governors to be advised today that they should not feel comfortable and rely on the laxity of the Justice Department's investigations. I will ask the Committee on Post Office and Civil Service to hold investigatory hearings on this matter.

In the meantime, I insist that the Board make no major decisions on the procurement of the optical character readers and also replacement for the current Postmaster General Albert Casey until the whole Board appears before this committee for the fullest kind of questioning.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. All time has expired for the moment. The Chair will repeat an announcement earlier made that the Chair would take 5 1-minute speeches on each side in view of the situation before the House today and the need to act upon the housing bill.

However, it appears that only 1 additional Member desires to be heard, so the Chair will bend his earlier ruling to recognize the gentleman from Pennsylvania [Mr. RITTER].

IRA'S ARE WORTH SAVING

(Mr. RITTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RITTER. I thank the Chair for his generosity.

Mr. Speaker, the tax reform bill recently voted out of the Senate Finance Committee is historic and appealing, but there is one portion of the bill that goes against recent efforts to encourage Americans to save and provide for their own future and that is the provision restricting the deductions for individual retirement accounts, [IRA's].

Doing away with the IRA has broader implications. By eliminating the IRA, we jeopardize an approach to funding which inherently maximizes personal freedom and responsibility. One case in point is the approach of adapting IRA's to create a similar mechanism for job training and retraining, known as the individual training account, the ITA.

The beauty of the ITA, like the IRA, is that it be tailored to an individual's needs. With ITA's, people are encouraged to contribute money into a special job training account which could be used when jobs are lost or are about to be lost. It does not matter if an employee stays in the area, goes halfway across the country; they can still use their account in an approved training program.

The approach shows significant promise, especially for people living in areas of the country undergoing significant change in their economies, like the people of Pennsylvania, or the Lehigh Valley, which I represent.

Indeed, all over America the only real constant in the job market is change itself. New mechanisms must provide incentives for individuals to accommodate such change. Government programs, with their shotgun approach and their limitation in size, management and flexibility, are not sufficient. I encourage my colleagues to work to see that IRA's remain an integral part of U.S. tax policy. A policy which promotes savings for our workers' retirement needs, our Nation's growth, and job training and retraining is worth saving.

PERMISSION FOR SUBCOMMITTEE ON NATURAL RESOURCES, AGRICULTURE RESEARCH AND ENVIRONMENT AND SUBCOMMITTEE ON SCIENCE, RESEARCH AND TECHNOLOGY OF COMMITTEE ON SCIENCE AND TECHNOLOGY TO SIT TODAY DURING 5-MINUTE RULE

Mr. VALENTINE. Mr. Speaker, I ask unanimous consent that the Subcommittee on Natural Resources, Agriculture Research and Environment and the Subcommittee on Science, Research, and Technology of the Committee on Science and Technology be permitted to sit on today, June 5, while the House is operating under the 5-minute rule.

This request has been cleared by the committee's ranking members and the subject of the hearing is biotechnology legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

HOUSING ACT OF 1986

The SPEAKER pro tempore. Pursuant to House Resolution 450 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1.

□ 1045

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1) to amend and extend certain laws relating to housing, and for other purposes, with Mr. GRAY of Illinois (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Wednesday, June 4, 1986, title I of the text of the bill, H.R. 4746, which is considered as an original bill for the purpose of amendment, was open for amendment at any point.

Pending was an amendment offered by the gentleman from Arizona [Mr. KOLBE].

For what purpose does the gentleman from Texas [Mr. GONZALEZ] rise?

Mr. GONZALEZ. Mr. Chairman, I rise in opposition to the amendment. As a matter of fact, I rise in very strong opposition to this amendment offered by the distinguished gentleman from Arizona [Mr. KOLBE], a member of the committee.

The gentleman's amendment would eliminate three provisions in the amendment in the nature of a substitute that were included to correct unintended inequities that have largely resulted from unforeseen circumstances.

He picks on the Boston urban renewal proceeds as one, on the Park Central new community project in Texas, the Pittsburgh public housing interest, a modicum that the hard-strapped city of Pittsburgh would find quite difficult and it would be an injustice to compel them, and it really is an injustice to even have to require legislation.

□ 1045

This could have been addressed in a fair and equitable fashion administratively. However, I would like to point out that this is concentrating on three specific projects, whereas yesterday, because these are contained in the bill before us, but yesterday we accepted, for instance, the amendment offered by the gentlewoman from Louisiana [Mrs. BOGGS], that would do even more in the case of New Orleans, but which also was addressing a gross injustice that certainly we all agree needed to be corrected.

I think it is unfair to pick on these three that have equally justifiable cases that have been presented to the committee for a long time, in fact, in sufficient time to have had them incorporated in the original version of H.R. 1, in the amendment in the nature of a substitute which is before us for amendment, and we should not penalize these that have given every single ample opportunity to show any justifiable criticism which has not been forthcoming and then accept without question those amendments that were offered late, as late as yesterday, which had not been incorporated into the bill.

I think that if we go into the merits which we have, into each one of these three cases, Boston, TX, Port Arthur, TX, to be exact, and Pittsburgh, PA, as we have, as I say and repeat in the subcommittee, very diligently, there would be an overwhelming affirmation of the action taken by us in making it part and parcel of the bill.

I urge my colleagues to vote against the Kolbe amendment.

Mr. KOLBE. Mr. Chairman, will the gentleman from Texas yield?

Mr. GONZALEZ. I am glad to yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I appreciate the gentleman's yielding and I appreciate the opportunity for the chance to respond to a couple of points that he made since my remarks were made yesterday, and I think over time, perhaps we have forgotten a little bit of the dialog on this issue.

Just a couple of points. I agree absolutely with the mistake perhaps, that was made yesterday, or compounding the mistake by adding another project in Louisiana to this. But I would point out that that one is approximately $1.2 million, and I do not know that enthusiastic support was given by this body on it. The total amount that is involved in this, in these three projects, is $48 million.

I would also point out with regard to what the chairman said about Pittsburgh, that there was no discussion in committee on Pittsburgh. He is correct in saying we did have a discussion of the Park Central and of the Boston cases, but there was no discussion in our committee about Pittsburgh, so there was no consideration by the committee of that.

Mr. GONZALEZ. Mr. Chairman, I would like to respond and continue with my time allotted.

The gentleman is quite incorrect is saying that these represent a sum total cost of $48 million. That is simply not the fact.

The Pittsburgh, for instance, is less than $200,000. Every one of these, including the one that is more substantial, the Port Arthur, TX, are projects that had been sanctioned, approved, were underway, had been underway, but in view of the intervening cutbacks, were themselves cut back as to size of units and all, but which has left those who have undertaken a commitment holding the bag. It is just simple elemental justice that we recognize these individual cases.

I would like to point out to my distinguished colleague that this particular Port Arthur case was presented in the prior authorization bills.

Mr. WYLIE. Mr. Chairman, I rise in support of the Kolbe amendment.

Mr. Chairman, I support the Kolbe amendment because it seems to me its purpose is clear: to remove the pork from H.R. 4746.

I appreciate the dilemma in which my friend, the gentleman from Texas [Mr. GONZALEZ] finds himself, but I would respectfully suggest that in none of these three cases are the expenditures justified. Referring to the situation in New Orleans, I do not believe two wrongs necessarily make a right. It does point up another dilemma in which this Member finds himself, and that is, where do we stop on these kinds of special case expenditures?

In the case of the Park Central New Community project in Port Arthur, TX, they have already received in recent years $45 million in section 8 new construction, $7 million from the Secretary's discretionary fund, $6.3 million in UDAG's, $7.4 million in title X land development insurance, $31.3 million in section 221(d)(4) multifamily mortgage insurance, and $4.3 million in section 232 nursing home insurance.

Now where do we stop? To give this small community with about 3,000 population an additional 500 units of section 8 and an additional $5 million from the Secretary's discretionary fund would be unfair to thousands of other communities that must compete for these scarce resources.

The provision relieving the city of Boston from its statutory obligation to pay land sales proceeds would cost the Federal Government $3.4 million at a minimum. In addition, this provision would open the door for similar requests from other cities, which owe HUD a minimum of $10.5 million. The provision is not only unfair to the taxpayer, it is unfair to those cities that have already lived up to their obligation under the statute.

Forgiving the interest on the debt owed by the Pittsburgh Public Housing Authority would cost the Federal Government $385,000. The public housing authority has already received hundreds of thousands of dollars in income over the last decade by refusing to return funds that were never used for their initial purpose of providing housing. The provision in H.R. 4746 would reward the public housing authority for ignoring a contractual obligation.

Mr. Chairman, I see no compelling reason to include this pork in a housing bill and I strongly support the amendment of the gentleman from Arizona [Mr. KOLBE].

Mr. BROOKS. Mr. Chairman, I move to strike the requisite number of words and rise in opposition to this amendment.

Mr. Chairman, I rise in opposition to the gentleman from Arizona's [Mr. KOLBE] amendment to strike section 151 from H.R. 4746.

The bill directs the assistance to be provided to the Park Central new community project, a new town in Port Arthur, TX. This is one of the few new communities approved by HUD that is attempting to complete its obligations and create a viable project.

The original plan approved by HUD in 1979 required that the property be placed in trust and imposed numerous obligations on the developers, including a requirement that a substantial number of subsidized housing units be provided to lower income persons.

The housing programs that were to be used to provide this assistance, the section 8 new construction program, section 235 homeownersip program either had been repealed or substantially curtailed.

□ 1055

Instead, the bill now tries to maintain some possible part of the obligation and agreement that the Government made with these developers, and sets aside 250 certificates during the fiscal year 1985 under the less costly section 8 housing program for use in the Park Central town; an additional 250 in the 1987 budget.

Now, because there is a very high unemployment, approximately 21 percent and a depressed economy in the Port Arthur area of my congressional district, there is a strong demand that these certificates and the units are available.

The bill also directs $5 million from the discretionary fund; and that is essential to complete the orderly development of the new town as planned. This is a partial effort on the part of the committee and the Congress to meet the obligation to which they agreed some years ago. To do otherwise would be absolutely unthinkable. We should not renege on the developers that have contributed.

Mr. GONZALEZ. Will the gentleman yield?

Mr. BROOKS. I yield to my distinguished chairman, the gentleman from Texas [Mr. GONZALEZ].

Mr. GONZALEZ. I rise because I want to clarify a point here. There is an innuendo that this is additional or new money. There is no new money involved at all. This does not add one iota of cost or obligation, so we ought to make that clear. This is an act of justice; we have examined this over a period of 4 years, and in answer to Mr. WYLIE's question, "Where do we stop?"—we stop where there is an unreasonable request such as we have had.

We have had an untold number of unreasonable requests that we have stopped cold. So I think this is a minimal act of justice and urge defeat of this amendment.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. FIELDS. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Texas.

Mr. FIELDS. Mr. Chairman, I rise in opposition to the Kolbe amendment, which would strike special-purpose provisions aimed at helping public housing projects in Pittsburgh, Boston, and Port Arthur, TX.

The provisions currently included in H.R. 4746 allow for the continued funding of the Park Central New Community project which has been sanctioned, approved, and is currently underway. The Port Arthur, TX, project is attempting to complete its obligations and create a viable project as originally planned and approved by HUD in 1979. Should the Government now renege on its original commitment, this already financially strapped community will have to bear the burden.

Texas has had to bear the Federal financial burden for too long. A recent study released by the Tax Foundation, a nonprofit, nonpartisan research and public education organization that monitors tax and fiscal activities confirms this fact. The report indicates that for the fifth year in a row, Texans paid the highest tax premium for Federal grants. Each dollar of grants cost Texans $1.59 in Federal taxes.

Subsidized housing is currently one of the five largest Federal grant programs. Given the record of Federal grants allocated to Texas, however, Texans have, in essence, been subsidizing the rest of the Nation at their own expense.

Clearly, Texans have paid their fair share to warrant completion of the Park Central New Community project. For this reason, I intend to oppose the Kolbe amendment, and to secure funding for this project in which Texans have already invested.

Mr. Chairman, we all recognize that when massive bills come before the House, they contain a lot of provisions; they tend to be reform provisions and the problem is, however, that what gets buried down in them are a lot of special interest provisions, and what happens is that some of those special interest provisions tend to be pork barrel provisions.

It seems to me that that is one of the things that the American people resent most about the legislative process around here; that they see legislation come through that may be very badly needed legislation; that there are important things that we are trying to do and then all of a sudden we find out that, buried down in those bills, is the pork barrel taking care of a few people at the expense of many.

Mr. Chairman, it seems to me that the gentleman who offers this amendment has done this House a service by first of all discovering some of that pork barrel buried in this bill, and then offering us a chance to take it out before we go to the final passage of the bill.

I think that we ought to look at it in that way, that if we can carve the pork out at the beginning, then somebody is not going to find it at the end and suggest that this House is somehow playing favorites with the taxpayers' money. I personally find it a great problem to explain to my constituents why their tax money goes for singular pork barrel kinds of efforts in the Congress.

Mr. KOLBE. Will the gentleman yield?

Mr. WALKER. I yield to the gentleman.

Mr. KOLBE. Mr. Chairman, as I explained yesterday in my initial remarks, I thought that that was the fundamental reason why we needed to make this change. If people are going to have credibility, if there is going to

be credibility for this legislation, if they are going to have confidence in the kinds of things that Congress is doing with regard to these kinds of programs, to help people, we ought to be taking out the kind of special interest things that are clearly designed to simply let one community off the hook from its contractual obligations—and that is what we are talking about here—contractual obligations that these communities have entered into; to repay interest, repay the Federal Government.

I want to point out with regard to what the gentleman from Texas said earlier, that it is absolutely not true to suggest that there is no existing, no new money in this. The money for this Park Central project will come out of the existing account of section 8. In addition, it provides for $5 million in CBDG funds from the Secretary's discretionary fund, so we are talking about new dollars.

Mr. WALKER. Reclaiming my time, I want to pose a question to the gentleman from Arizona. What the gentleman is saying, then, is, when you carve out such a special interest provision, some people will not get that which they would otherwise be entitled to, because the committee has decided that a few people deserve special treatment. Is that the situation we find ourselves in?

Mr. KOLBE. Will the gentleman yield?

Mr. WALKER. I yield to the gentleman.

Mr. KOLBE. That is precisely right. This would allocate 500 units, which is more than half of all the units that would be allocated to Texas, to this one project; so it does mean that units will go there, not elsewhere.

Similarly, on the CBDG funds, it means that $5 million—and by the way, Park Central has already received $7 million of CBDG funds, $5 million will not be allocated that might go to some other community.

Mr. WALKER. 500 units of housing is more housing than some States get, is it not?

Mr. KOLBE. Yes.

Mr. WALKER. Is not that more units than some States get?

Mr. KOLBE. Considerably more than many States get, yes.

Mr. WALKER. That is interesting.

Mr. GONZALEZ. Will the gentleman yield?

Mr. WALKER. I yield to the chairman of the subcommittee.

Mr. GONZALEZ. I thank the gentleman for yielding, because I think the fair thing that he would want to do would be to point out some deficiencies in the accuracy of his statements.

To describe this as pork barrel or that the distinguished Member from Arizona discovered some insinuated hidden pork—let me assure the gentleman, we do not have any kind of pork, not even Mexican sausage in here—much less Polish sausage.

This has been openly discussed; other requests have been openly discussed for many months. There is nothing here that anybody is trying to pass as a pork barrel situation.

Mr. WALKER. If I may reclaim my time, and then I will yield back to the gentleman, there may not be Polish sausage or Mexican sausage in it, but what we have is rancid pork; and that is my problem.

Maybe if we get out of the meats for a minute, we can get back to the issues at hand. What I am talking about is the fact that, in the case of the city of Boston, they would have to retain——

The CHAIRMAN pro tempore. The time of the gentleman has expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for 3 additional minutes.)

Mr. WALKER. The minimum cost to the Federal Government, if the city of Boston is allowed to retain its land sale proceeds, is $3.4 million. It seems to me that is about $3.4 million more than we can afford on that.

Mr. GONZALEZ. Will the gentleman yield?

Mr. WALKER. I yield to the gentleman.

Mr. GONZALEZ. Not really, because the gentleman must understand the nature of those funds, and how they were derived through interest accumulation; and the fact that in other instances, time after time, HUD, in prior determinations, had acceded to similar requests.

Mr. WALKER. Let me ask the gentleman this: Under the provisions of law now in force, if in fact a community earns money, interest money, under similar kinds of circumstances here, are they required to pay back that interest money to the Federal Government, under the statutes that are now in effect?

Mr. GONZALEZ. It has depended. Sometimes yes, sometimes no.

Mr. WALKER. I am talking about the law.

Mr. GONZALEZ. Well, under the provisos that permit the setting up of this type of account and deriving interest.

I think here, though, in all fairness to everybody concerned, we ought to take the trouble to examine the particulars in each one of these instances, particularly the case of Pittsburgh. In view of the fact that all we are doing here is—not depriving the Federal Government of any funds that it otherwise has appropriated for it—but merely sanctioning an equitable action that would permit a financially hard-strapped city, such as Pittsburgh, at this time to not have to get from the general fund moneys derived from property taxes in order to make up a payment that had accrued by virtue of the investment of these other funds that have since been used in accordance with the programs and the directives of the Congress.

Mr. WALKER. I understand what the gentleman is telling me, except that we have statutory obligations here that are being violated, and in the case of the Pittsburgh situation, I understand that there is a contractual obligation that would be violated; and that in that particular case it would be to the tune of costing the Federal Government $385,000.

I must admit that this causes this gentleman some concern. We talk about strapped local governments. The Federal Government is strapped to the tune of $200 billion a year; we have got $2 trillion in debt. Somewhere along the line here we have got to cut out some of the pork and begin to look at the obligations that the taxpayers of this country are being asked to assume.

Mr. GONZALEZ. Will the gentleman yield?

Mr. WALKER. I yield to the gentleman.

Mr. GONZALEZ. Let me point out that Pittsburgh has paid back its contractual obligation. We are talking about an interest accumulation of funds.

The CHAIRMAN. The time of the gentleman has again expired.

(On request of Mr. KOLBE and by unanimous consent, Mr. WALKER was allowed to proceed for 3 additional minutes.)

Mr. KOLBE. Will the gentleman yield?

Mr. WALKER. I yield to the gentleman.

Mr. KOLBE. The chairman of the subcommittee has raised a very important point, and I think it is important, since the subcommittee or committee has never discussed ths issue, that we have this discussion here on the floor, of Pittsburgh.

□ 1105

Is it my understanding from what the Chairman just said that, since Pittsburgh has repaid, there is no intention of refunding the interest payment to Pittsburgh, is that correct?

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I will be glad to yield to the gentleman from Texas.

Mr. GONZALEZ. I thank the gentleman for yielding.

Mr. Chairman, they did repay the loan.

Mr. KOLBE. Yes, the city of Pittsburgh paid under protest. That is my understanding of why this section is in here, that once this amendment is passed or this bill is passed with that section in there, Pittsburgh would then demand a refund of their money. Is that the understanding of the gentleman from Texas?

Mr. GONZALEZ. No, no. That is not the principle involved in the loan. I would like to also point out that the gentleman should know that we did have discussions on this. We have had discussions. And also that the amendment was openly offered, and it was subject to deletion at any point during markup. But I think the main thing is this: The main thing is that under what the gentleman describes as payment under protest we have had a total of 37 municipalities and other political entities throughout the country that have done likewise at a time when HUD was exacting a different policy.

What we are trying to do is correct an injustice that has developed from a sudden change in policy.

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from Arizona.

Mr. KOLBE. I thank the gentleman for yielding.

Mr. Chairman, I appreciate the comments of the gentleman, the chairman of the subcommittee. I would just point out there was no discussion of this in committee. Obviously the provision was added in the committee; it was not discussed in committee. If it was repaid under protest, if it is not to be repaid, it would appear to me that the chairman of the subcommittee ought to be willing at least to delete this section of the bill, section 211, because the issue is now moot; Pittsburgh has now repaid the money and there should be no question that the money stays in the National Treasury.

Mr. WALKER. Let me ask the gentleman a question. If in fact there has been a change as we have just heard with regard to HUD policies, was that change effected in large part to save the taxpayers some money, to make certain that we did in fact get back some of the money owed to the Federal Government, was that the reason for the change?

Mr. KOLBE. That was the purpose of it, yes.

Mr. WALKER. So what we are really doing now is we are trying to renege on that which is a change of policy designed to save the taxpayers some money, that is precisely what is the problem here. That is in fact what happens on this House floor, is that politically we do in those things which are financial obligations that we ought to be mindful of. So I have to go back to say that that is indeed a very troublesome kind of question. I think the gentleman from Arizona is to be congratulated for bringing this to the attention of the House.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman [Mr. WALKER] has again expired.

(On request of Mr. GONZALEZ and by unanimous consent Mr. WALKER was allowed to proceed for 1 additional minute.)

Mr. GONZALEZ. Mr. Chairman, will the gentleman continue to yield?

Mr. WALKER. I yield to the gentleman from Texas.

Mr. GONZALEZ. I thank the gentleman for yielding.

Mr. Chairman, what the gentleman just stated has never been the intent of the law.

Mr. WALKER. What I asked the gentleman from Arizona [Mr. KOLBE] is whether or not the new HUD policies that the gentleman from Texas had just referred to were designed in such a way as to regain for the Federal Government money that would otherwise have been lost to the Government. My understanding is, I was just told that that was in fact the intent of the policy and what we are doing with the provisions that are in the bill is making an end run around the new policy. I suggest that if we can get the taxpayer some money through that new policy, we ought to do it with a $2 trillion debt staring us in the face. And now if the gentleman is saying that that was not the intent of the HUD policies, I would like to get his explanation on it.

Mr. GONZALEZ. It is not the intent of the law. The HUD policy would be, in effect, an ex post facto action. As the gentleman knows, there is tradition in American law against ex post facto laws or, for that matter, rules and obligations, or rules and the promulgation of rules and regulations.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has again expired.

(On request of Mr. KOLBE and by unanimous consent Mr. WALKER was allowed to proceed for 3 additional minutes.)

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from Arizona.

Mr. KOLBE. I thank the gentleman from Pennsylvania, who has been very good about yielding on both sides here. His point is well taken in that we are talking about a city here, for a moment, that is in his home State here. If it is good for Pittsburgh, it ought to be good for all the other cities that have accrued interest that they have not repaid. In the case of Pittsburgh this is a dispute which has been going on since 1976 or 1977 now, almost 10 years. And they have finally, on March 27 of this year, finally repaid some $774,000 under protest to this. But there is no question that the law required that they repay it. It seems to me what is good here for Pittsburgh ought to be good for other cities. Can we imagine that Pittsburgh is less strapped than Newark or Gary, IN, or other cities?

Mr. WALKER. Well, do I understand what the gentleman is saying is that Pittsburgh under protest but nevertheless has repaid the money and under this provision Boston would not have to?

Mr. KOLBE. No. Each of the cases is different. In this case Pittsburgh would be refunded the money that they have already paid under protest. In the case of Boston they would simply not have to pay the money to the Federal Government for the sale to a developer of the land.

Mr. WALKER. I see. So it is a separate provision of the law.

Mr. KOLBE. A separate provision of the law.

Mr. WALKER. But nevertheless it would relieve Boston of a statutory obligation that they would otherwise have to repay to the Government, too.

Mr. KOLBE. The law requires in these projects that when a development takes place, the land is liquidated; that is, sold to a developer, that the Federal Government gets reimbursed for the value of the land. In this case they are not only going to want to keep all of the profit that has been made on it, but they do not want to reimburse for the initial part of the value of the land, the initial appraised value of the land. So they get to keep the whole thing.

There are many, many other cities that fall into the same category. In fact, there are some 60 cities with 71 projects that have contracts requiring HUD repayment there. We are going to relieve one city from that obligation.

Mr. WALKER. So those cities would have to repay, but under this the cities that we gave special treatment here would not have to repay.

Mr. KOLBE. In this case the cities would not have to.

Mr. WALKER. Pork also gets a little unfair.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the distinguished ranking member of the committee.

Mr. WYLIE. I thank the gentleman for yielding.

Mr. Chairman, I think the gentleman in the well is performing a valuable service in that he is clarifying the issue here and affording us an opportunity to know for sure whether we want to vote for these projects or not. I think also the chairman of the Subcommittee on Housing, Mr. GONZALEZ, pointed out it does not add anything to the $15.2 billion provided for in the bill. What the bottom line is, is that it does provide for special purpose legislation for three communities, and it provides for $48.6 million to those communities. So that is coming out of the pot of existing resources which would go to other cities. I think, as I

said, the gentleman has performed a service in that he has pointed out that it is special purpose legislation, that it does go to three cities and that other cities in the United States would not qualify under the provisions of this bill or would not participate to the extent these three cities are.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona [Mr. KOLBE].

RECORDED VOTE

Mr. KOLBE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 162, noes 245, not voting 26, as follows:

[Roll No. 145]

AYES—162

Archer	Hopkins	Rinaldo
Armey	Ireland	Ritter
Bartlett	Jacobs	Roberts
Bateman	Jeffords	Rogers
Bentley	Johnson	Roth
Bereuter	Kasich	Roukema
Bilirakis	Kemp	Rowland (CT)
Bliley	Kindness	Rudd
Boehlert	Kolbe	Saxton
Broomfield	Lagomarsino	Schaefer
Brown (CO)	Latta	Schneider
Broyhill	Leach (IA)	Schuette
Burton (IN)	Lent	Sensenbrenner
Callahan	Lewis (CA)	Sharp
Carper	Lewis (FL)	Shaw
Chandler	Lightfoot	Shumway
Cheney	Livingston	Shuster
Coats	Lloyd	Siljander
Cobey	Lott	Skeen
Coble	Lowery (CA)	Slattery
Coleman (MO)	Lujan	Slaughter
Coughlin	Lungren	Smith (NE)
Courter	Mack	Smith (NJ)
Craig	MacKay	Smith, Denny (OR)
Crane	Marlenee	Smith, Robert (NH)
Dannemeyer	Martin (IL)	Snowe
Daub	Martin (NY)	Snyder
DeWine	McCain	Solomon
Dickinson	McCandless	Spence
Dornan (CA)	McCollum	Stallings
Dreier	McDade	Stangeland
Duncan	McEwen	Stenholm
Eckert (NY)	McKernan	Strang
Edwards (OK)	McMillan	Stump
Emerson	Meyers	Sundquist
Evans (IA)	Michel	Sweeney
Fawell	Miller (OH)	Swindall
Fish	Miller (WA)	Synar
Flippo	Molinari	Tauke
Franklin	Monson	Taylor
Frenzel	Moore	Thomas (CA)
Gallo	Moorhead	Vander Jagt
Gibbons	Morrison (WA)	Volkmer
Gilman	Myers	Vucanovich
Gingrich	Nielson	Walker
Goodling	Oxley	Weber
Gradison	Packard	Whitehurst
Gregg	Parris	Whittaker
Gunderson	Pashayan	Wolf
Hansen	Penny	Wylie
Hendon	Petri	Young (AK)
Henry	Porter	Young (FL)
Hiler	Pursell	
Hillis	Regula	
Holt	Reid	

NOES—245

Ackerman	Barnes	Bonker
Akaka	Barton	Borski
Alexander	Bates	Bosco
Anderson	Bedell	Boucher
Andrews	Beilenson	Boulter
Annunzio	Bennett	Boxer
Anthony	Berman	Brooks
Applegate	Bevill	Brown (CA)
Aspin	Biaggi	Bruce
Atkins	Boggs	Bryant
AuCoin	Boland	Burton (CA)
Barnard	Boner (TN)	Bustamante
Byron	Hatcher	Panetta
Carney	Hayes	Pease
Carr	Hefner	Pepper
Chapman	Hertel	Perkins
Chappell	Horton	Price
Clay	Howard	Quillen
Clinger	Hoyer	Rahall
Coelho	Hubbard	Rangel
Coleman (TX)	Huckaby	Ray
Collins	Hughes	Richardson
Combest	Hutto	Ridge
Conte	Jenkins	Robinson
Conyers	Jones (NC)	Roe
Cooper	Jones (OK)	Roemer
Coyne	Jones (TN)	Rose
Crockett	Kanjorski	Rostenkowski
Daniel	Kaptur	Rowland (GA)
Darden	Kastenmeier	Roybal
Daschle	Kennelly	Russo
de la Garza	Kildee	Sabo
DeLay	Kleczka	Savage
Derrick	Kolter	Scheuer
Dicks	Kostmayer	Schroeder
Dingell	LaFalce	Schumer
DioGuardi	Lantos	Seiberling
Dixon	Leath (TX)	Shelby
Donnelly	Lehman (CA)	Sikorski
Dorgan (ND)	Lehman (FL)	Sisisky
Dowdy	Leland	Skelton
Downey	Levin (MI)	Smith (FL)
Durbin	Levine (CA)	Smith (IA)
Dwyer	Lipinski	Solarz
Dymally	Loeffler	Spratt
Dyson	Long	St Germain
Early	Lowry (WA)	Staggers
Eckart (OH)	Luken	Stark
Edgar	Madigan	Stokes
Edwards (CA)	Manton	Stratton
English	Markey	Studds
Erdreich	Martinez	Swift
Evans (IL)	Matsui	Tallon
Fascell	Mavroules	Tauzin
Fazio	Mazzoli	Thomas (GA)
Feighan	McCloskey	Torres
Fields	McCurdy	Torricelli
Florio	McGrath	Towns
Foglietta	McHugh	Traficant
Foley	McKinney	Traxler
Ford (MI)	Mica	Udall
Ford (TN)	Mikulski	Valentine
Fowler	Mineta	Vento
Frank	Mitchell	Visclosky
Frost	Moakley	Watkins
Fuqua	Montgomery	Waxman
Garcia	Moody	Weaver
Gaydos	Morrison (CT)	Weiss
Gejdenson	Mrazek	Wheat
Gekas	Murphy	Whitley
Gephardt	Murtha	Whitten
Glickman	Natcher	Williams
Gonzalez	Neal	Wirth
Gordon	Nelson	Wise
Gray (IL)	Nichols	Wolpe
Gray (PA)	Nowak	Wortley
Green	Oakar	Wright
Guarini	Oberstar	Wyden
Hall (OH)	Obey	Yates
Hall, Ralph	Olin	Yatron
Hamilton	Ortiz	Young (MO)
Hammerschmidt	Owens	

NOT VOTING—26

Badham	Hartnett	O'Brien
Bonior (MI)	Hawkins	Pickle
Breaux	Heftel	Rodino
Campbell	Hunter	Schulze
Chappie	Hyde	Smith, Robert (OR)
Davis	Kramer	
Dellums	Lundine	Walgren
Fiedler	Miller (CA)	Wilson
Grotberg	Mollohan	Zschau

□ 1130

The Clerk announced the following pair:

On this vote:

Mr. Badham for, with Mr. Hawkins against.

Mr. BATES and Mr. APPLEGATE changed their votes from "aye" to "no."

Messrs. REID, MACK, McDADE, SUNDQUIST, WOLF, and VOLKMER, and Mrs. LLOYD changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to title I?

AMENDMENT OFFERED BY MR. WYLIE

Mr. WYLIE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WYLIE: Page 8, strike lines 5 through 20 and insert the following:

(b) CRIME INSURANCE.—Section 1201(b) of the National Housing Act is amended by striking paragraphs (2) and (3) and inserting the following:

"(2) The Director shall notify each participating State under part C of—

"(A) the termination date of the authority of the Director to issue new crime insurance policies under such part; and

"(B) the eligibility of such State for payment in accordance with title II of the Department of Housing and Urban Development-Independent Agencies Appropriations Act, 1986 (Pub. L. 99-160; 99 Stat. 918).".

Page 7, line 9, strike "AND" and insert "INSURANCE PROGRAM AND TERMINATION OF" (and conform the table of contents accordingly).

Mr. WYLIE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

(By unanimous consent, Mr. WYLIE was allowed to proceed for 1 additional minute.)

The CHAIRMAN. The gentleman from Ohio [Mr. WYLIE] is recognized for 6 minutes in support of his amendment.

Mr. WYLIE. Mr. Chairman, my amendment would strike the extension of the Federal Crime Insurance Program beyond the present June 6, 1986 date, but keep in force the one-time buyout provision that was included in last year's HUD Appropriations Act.

This program has outlived its usefullness and has been scheduled to expire for several years. It never was a truly national program. Twenty-three States never participated in the program and the trend for both jurisdictions participating and policies in force has been consistently downward. Four States withdrew from the program in 1983 and seven more have left already this year. From all indications there will be only 16 States left in the program in the very near future.

There are currently only 36,000 policyholders in this program, less than 10,000 are commercial. With the States withdrawing from the program, the policy base will decline by 5,000. Each year the policy base has declined by at least 10 percent. Of the 36,000

policyholders, nearly 60 percent of them are in one State. With so many other States slated to withdraw, that percentage will go up.

Mr. Chairman, the Federal Crime Insurance Program is financed through the National Insurance Development Fund. This fund was established from proceeds of the Riot Reinsurance Program. Since the beginning crime insurance was subsidized by riot reinsurance proceeds. However, the Riot Reinsurance Program was terminated by Congress in 1983. Since that time, the Crime Insurance Program has used the entire $124 million reserve from the Riot Reinsurance Program and in addition has had to use over $74 million in Treasury borrowings to keep the program afloat.

I think there are legitimate reasons to question whether or not crime insurance should ever have been a Federal program in the first place. In its present state, there is little justification for maintaining it as one. The States should and could handle crime insurance. The McCarran-Ferguson Act placed the regulation of insurance at the State level. Other types of insurance problems are handled at the State level. Nationwide, there are over 4 million policies in either the automobile assigned risk pools or State FAIR plans which provide fire insurance in urban areas. Surely then the States can handle 36,000 crime insurance policies.

In fact several States have developed State Crime Insurance Programs. For example, Michigan developed a State program in the early 1970's and never participated in the Federal program. Some States have established former Crime Insurance Programs while others offer it through their FAIR plans.

Some Members may wonder why the same logic would not apply to Federal flood insurance. The answer is that they are distinctly different. Flood insurance is an alternative to disaster assistance and is not available in the private sector; generally, crime insurance is readily available. Floods often cross State boundaries and with Federal flood plain management regulations, the problems associated with improper construction in the Nation's flood plains can be minimized. While problems such as drug trafficking also often cross State boundaries, these are not problems that can be minimized by the existence of a Federal Crime Insurance Program. Finally, there is the comparison between a national program and one that is not. Flood insurance is available in all 50 States and has been purchased by 2 million people. Crime insurance, as I have said, will soon be limited to 16 States and less than 31,000 policyholders.

Mr. Chairman, last year Congress approved a provision to provide one-time payments to States participating in the Crime Insurance Program which would allow them the opportunity to establish alternative mechanisms for crime insurance policyholders in their States. Several States have adopted a "wait and see" attitude and are assuming that the Congress will bail them out once again. Mr. Chairman, I contend that it is time for the Congress to stand behind the agreements reached last year and allow this program to expire, but in fairness we should still allow the States to receive their one-time buyout payment.

Mr. SCHUMER. Mr. Chairman, I rise in opposition to the amendment.

I very much appreciate and respect the remarks of the gentleman from Ohio, but I would like to rise in opposition to the amendment.

First, let us be clear what this program is, crime insurance. It offers a very limited amount of insurance against robbery and burglary in high crime areas to residents and small businesses.

One thing is certain. Many of the small businesses need insurance to stay in business because without it suppliers will not give them credit.

Now, let us compare two programs, crime insurance, which the gentleman from Ohio wishes to eliminate, and flood insurance, which he leaves unscathed. They do the same thing. They both enter a market where the private sector is unwilling to enter that market. Crime insurance, in a sense, is the urban equivalent to flood or crop insurance. Yet you can get flood insurance for up to $245,000 for individual homes, which means that it subsidizes some pretty wealthy homeowners, and up to $550,000 in businesses.

So flood insurance affects people who can more afford to stay in business than the crime insurance folks. Both programs involve a subsidy. Crime insurance is much smaller. It is $1.6 million for the 12 months ending in fiscal year 1986.

Crime insurance, yes, it goes to a limited number of States. So does flood insurance. Half of the flood insurance moneys go to Florida and Texas. If you add in Louisiana and California, 75 to 80 percent is flood insurance.

So what is this move to eliminate crime but not flood insurance? I think it is aimed at particular regions of the country, particular parts, inner-city areas, places where poor people and small businesses congregate, who depend on this vital program.

□ 1145

It is not fair. If there were an ideological justification, then we would eliminate flood insurance as well. We are not choosing to do that, maybe because it is politically more popular or powerful. If you eliminate crime insurance, I would say to my colleagues, flood insurance is next. We cannot pick and choose. We believe in these kinds of programs; they ought to stand together. If they do not, they ought to fall.

Let me bring up one other point. Everyone of you, my colleagues, has probably been beseeched by small business people about to go out of business because of the high cost of liability insurance. In my district, every week another small business comes over to me. A paint manufacturer last week said his increase in the cost of his liability insurance will exceed his total profits. We are sympathetic to those folks, and I think we should be.

It is the liability crisis and it is very much the same as the liability crisis in inner-city areas except it is related to crime. If you have sympathy for the small business folks who need that liability insurance, do not pick on the ones who live in inner-city areas and eliminate their means of livelihood. Do not tell our inner city areas which have enough problems as it is that right now we are going to pull the rug out from under you. $1.6 million; we are going to take the tiny, little rug, pull it out from under you, let all the folks in coastal areas keep their flood insurance, but you guys cannot have it because you happen to be a politically isolated group. It is not fair, it is not right; it leads to the kinds of regional divisions that we have talked about on this floor, and I urge that the amendment be rejected.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. SCHUMER. I yield to the gentleman.

Mr. GREEN. I thank the gentleman for yielding to me.

Mr. Chairman, I should like to join the gentleman in urging the defeat of this amendment. I think the Crime Insurance Program is a very important part of any housing and urban development bill.

This program was adopted by the Congress many years ago because those who studied the problem of inner city dissolution and abandonment became aware that one of the things that was contributing to inner-city abandonment was the fact that businesses and homeowners could not get crime insurance. So the businesses would close down as they could not get credit lacking the proper insurance coverage, and you would have the problem of urban decay and abandonment.

Following that problem, of course, you would have to call on the Federal Government for more money, in those days, urban renewal money, more recently, Community Development Block Grant money, to try to deal with those problems of urban decay.

The CHAIRMAN. The time of the gentleman from New York [Mr. SCHUMER] has expired.

(On request of Mr. GREEN and by unanimous consent, Mr. SCHUMER was allowed to proceed for 5 additional minutes.)

Mr. SCHUMER. Mr. Chairman, I continue to yield to the gentleman from New York [Mr. GREEN].

Mr. GREEN. So Congress decided that it was better to spend a little money leveraging this crime insurance program in an effort to stem vast calls on the Federal Treasury from further urban abandonment.

Now the gentleman from Ohio raises the question that States have dropped out of this and that the policy base is shrinking. There is no doubt that is true, but there is also no doubt what the reason is that that is true. That is that for the past 5½ years HUD has administered this program in a way to try to encourage States to drop out and in a way to try to shrink the policy base.

I think the Congress ought to say now to HUD, "We believe this program continues to be an important tool for urban preservation."

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. SCHUMER. I yield to the gentleman from Ohio.

Mr. WYLIE. I thank the gentleman for yielding to me.

Mr. Chairman, I just want to make a correction at that point. HUD does not administer the program.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. SCHUMER. I yield to the gentleman from New York.

Mr. GREEN. I again thank the gentleman for yielding.

I am sorry; the gentleman from Ohio is correct. FEMA now administers the program. It used to be a part of HUD; it is now an independent agency.

FEMA has administered the program in a way that has caused the policy base to shrink. I hope the Congress now makes it clear that Congress believes that this program is an integral part of our urban activities. Then we shall see that FEMA can administer the program in a different way and expand the policy base.

Mr. Chairman, let me make one other point. There has been a little subsidy in this program; primarily it is covering the administrative costs of the program. But it is as nothing compared to the subsidy in the Flood Insurance Program. While it is true that there is hope that when we get the flood plain mapping completed throughout the country in the Flood Insurance Program, ultimately that program can be made a nonsubsidized program, it is far from clear that that will ever be the case.

I just happened to look at the figures for two counties in the district of the gentleman from Ohio; Columbus County and Franklin County. The latest figures I was able to get my hands on were from May 31, 1984. They show that the Federal Government had paid out $475,000 in flood insurance claims in those counties against premiums from those counties which, if they are at the national average, amounted to approximately $153,000. So that the payout ratio on the Flood Insurance Program in the gentleman's district is $475,000 to $153,000.

I do not think the gentleman should begrudge those of us who do not have flood problems—and I do not have flood problems in my district—I do not think he should begrudge us a Federal tool to deal with a Federal problem, that is, the urban decay we see around our country, through this Crime Insurance Program. I certainly do not begrudge him the Flood Insurance Program. I support the Flood Insurance Program, and certainly as the ranking Republican on the Appropriations Subcommittee for the Flood Insurance Program I do my best to see that that is a strong and viable program.

I think in fairness and decency those who benefit from the Flood Insurance Program ought to allow those of us who are possessed of these urban problems to have the same kind of assistance.

Mr. SCHUMER. I thank the gentleman.

Mr. Chairman, I would simply like to make a point to reiterate what the gentleman said about how important the small businesses are to inner-city communities. There is very little structure in those areas. Housing is abysmal. There are so many other problems. You pull out those small businesses and you have pulled the plug on one of the most depressed parts of America. For $1.6 million, it is not fair and it is not right.

Mr. McKINNEY. Mr. Chairman, will the gentleman yield?

Mr. SCHUMER. I yield to the gentleman from Connecticut.

Mr. McKINNEY. I thank the gentleman for yielding to me.

Mr. Chairman, it is always amazing to me that we are in the midst of a liability crisis. I serve on the Small Business Committee. We are in a position where small businesses that actually make a profit that are in successful cities and towns that do not have problems but the businesses cannot get insurance, or if they can get it, they cannot afford it.

We are standing here as a Federal Government and saying, "We will pay up to over $200,000 for a house that is destroyed by nature, by water, because somebody got piggy and put it too close to the water." You know, the Great Salt Lake is an issue now that everyone is concerned about. I think we want to help Utah, but it proves you do not build too close to the water without expecting damage.

I think that to turn around and simply say that in cities like New York and Bridgeport, to turn around and say we are not going to pay this little bit of money so that Hispanic Americans, black Americans, and poor Americans can have part of the American dream is wrong.

The CHAIRMAN. The time of the gentleman from New York [Mr. SCHUMER] has again expired.

(On request of Mr. McKINNEY and by unanimous consent, Mr. SCHUMER was allowed to proceed for 3 additional minutes.)

Mr. SCHUMER. Mr. Chairman, I continue to yield to the gentleman from Connecticut [Mr. McKINNEY].

Mr. McKINNEY. I thank the gentleman.

Mr. Chairman, I was in a gas station in Bridgeport, owned by a Vietnamese couple. They have the highest crime rate going in that area. The place is a disaster. No American would touch it with a 10-foot pole. No insurance company would go near it. Yet, these people have the faith that they are going to make it. They have become the neighborhood gas station. They are now the place where people go. They are giving a sense of community to a part of the city that had no sense of community.

It is a low-cost program; it is a very low cost to pay for the continued restructuring of our cities into which we have poured millions and millions and millions of dollars, but everybody knows that a neighborhood is really made by its little businesses, its little stores. Its cleaners, its drug stores, its grocery stores, and that is what makes a neighborhood a neighborhood.

That is what we are trying to achieve. We are trying to return the neighborhoods to our cities that we so blithely destroyed during the day and age of urban renewal.

Mr. SCHUMER. I thank the gentleman and I yield back the balance of my time.

□ 1155

Mr. BARTLETT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Speaker, I rise in support of this amendment. It should be entitled the "good-sense amendment" because the issue is not for or against crime insurance itself. The gentleman from Ohio [Mr. WYLIE], the sponsor, has stated categorically that the issue is not crime insurance, but it is the fact that there is no longer a need for a Federal Crime Insurance Program. In fact, we have made provisions in which we

allow crime insurance to exist within States.

We have an alternative. The HUD-Independent Agencies Appropriations Act of 1966 has provided for a one-time payment to any State that certifies that it will develop an alternative mechanism to provide crime insurance to all policyholders in that State. So far seven States have taken advantage of the opportunity, and several others are expressing interest.

The fact is that this Federal program is not national in scope. Only 36,000 policies are in force nationwide, and approximately 60 percent of those policies are in only one State. The next largest State to that largest State has only 6 percent of the policies, and that State has withdrawn from the program. The remaining 23 States have never participated, and 4 States withdrew from the program in 1983.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. I am happy to yield to the gentleman from New York.

Mr. GREEN. Mr. Chairman, is the gentleman aware that there have been years when over half of the payout in the Flood Insurance Program has been to his State?

Mr. BARTLETT. I was not aware of that, and I do appreciate the gentleman's bringing it up. As I understand, large payments have also been made to the gentleman's State, New York. As I read the data on flood insurance, New York City ranks second nationally in flood insurance claims.

I suppose the point is that this is not an amendment on flood insurance; it is an amendment that says: first, that crime insurance is not nationwide in scope, and second, there are alternatives available. Those alternatives at the statewide level frankly make more sense.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. I yield to the gentleman from Ohio.

Mr. WYLIE. I thank the gentleman for yielding.

Mr. Chairman, the gentleman makes the point very well. There is no analogy to flood insurance, and nobody is suggesting that we terminate the Flood Insurance Program. Floods go across State lines. It is a problem which is international in scope.

The gentleman mentioned a $475,000 payout to Franklin County, in which Columbus is located, back in 1984. I did not remember that we had flood insurance claims then, but nonetheless, the point is that this amendment would strike out a provision which only applies on a very limited basis. If a criminal rips off a store in New York City, then the Federal Government pays for that. It does not seem to me as if that is a program which is national in scope. Other States have taken care of the problems themselves.

I think that the real point that this gentleman is making here now is that we take crime insurance on a case-by-case basis, on a State-by-State basis, whereas flood insurance crosses State boundaries, crosses State lines, and we cannot ascertain flood claims with reference to specific localities.

Mr. BARTLETT. I thank the gentleman for his comments. The gentleman's point, and it is true, is that in this case the Federal Government has done its job. This Federal program is no longer necessary as a Federal program. It has been scheduled to expire several times. It has done its job, and yet it lingers on.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. I yield to the gentleman from New York.

Mr. GREEN. Mr. Chairman, it has been scheduled to expire in the same sense that the Flood Insurance Program has been scheduled to expire. It has an authorization for a period of years, and then that period of years comes to an end. That is why we have a reauthorization of the Flood Insurance Program in this bill, and that is why the temporary reauthorization of the Flood Insurance Program has been coming up on this floor every couple of months until this bill came along. That is the same sense in which it has been scheduled to expire.

Again, as to the question of whether they are national in scope, it is very clear that the whole country is not one big flood plain. There are some areas which are flood-prone; there are some which are not. Because there has been a Federal program—and many of us, even though we do not have flooding problems in our district, nonetheless support that Federal program—there has been no need for the States to try to develop alternatives.

I want to say to the gentleman that if he is going to take the position that something which still has 16 States in it, despite the strong efforts of the administering agency to discourage participation in the program, is not a national program and does not merit national support, for the very small amount of money that is going into it, I do not see why I should support the Flood Insurance Program.

The CHAIRMAN. The time of the gentleman from Texas [Mr. BARTLETT] has expired.

(By unanimous consent, Mr. BARTLETT was allowed to proceed for 3 additional minutes.)

Mr. BARTLETT. Mr. Chairman, I very much appreciate the leadership of the gentleman from New York on issues, and I respect him a great deal. I think that the gentleman makes some very good points about flood insurance, but the issue before us is crime insurance. It is quite clear that crime insurance on a Federal level is no longer required in order to provide crime insurance on a State level.

The McCarran-Ferguson Act has placed the regulation of insurance at the State level, other types of insurance are handled at the State level, and State after State has proven that in fact this can be and is being handled at the State level.

Mr. SCHUMER. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. I yield to the gentleman from New York.

Mr. SCHUMER. Mr. Chairman, I have just two points. First as my colleague from New York has said, FEMA has made an all-out effort to end crime insurance. They have encouraged the States to get out. They have sent them letters saying, "This is your last chance to get out," et cetera. They have not done that for flood insurance, and it is our responsibility, I think, to treat them evenly.

The second point that I would make is that there are other insurance programs. There is crop insurance. That is a $61 million program, not a $1.6 million program. It seems to me that for my good friend from Texas to say, "Well, there is only one issue here before us today" is not right. There is ability to amend. I was thinking of taking an amendment and adding flood insurance, too, but I think both should exist. To treat one differently than the other is really just unfair, in my opinion.

Mr. BARTLETT. Mr. Chairman, I thank the gentleman for his observations. The fact of the matter is that it is no longer necessary to conduct the Crime Insurance Program at the State level.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. I yield to the gentleman from Ohio.

Mr. WYLIE. Mr. Chairman, I understand why the gentlemen from New York are supporting the position that they are, and I certainly do not fault them for that position, and I hope that they do not fault us for ours. But last year $35 million in flood insurance claims was paid to the city of New York alone—I just got that from FEMA—whereas $475,000, as was mentioned, was paid out to Franklin County. There is quite a difference there.

I suggest that we continue the Flood Insurance Program, because I think that it is a national-scope-type program.

On the other hand, we paid out $200 million in crime insurance. We have said before that we should not phase out crime insurance if we do not phase out flood insurance, or vice versa. We have phased out the Riot Reinsurance Program because we found out that we had made a mistake. I think we have

made a mistake on the Crime Insurance Program. These two programs came into being—Riot Reinsurance and the Crime Insurance Program—when there was a lot of rioting in our central cities and so forth. I did not think that it should be a national program at the time, and opposed it. I still do not think that it is a national program, and I think that the States and the communities should do it.

Mr. BARTLETT. Mr. Chairman, I think the gentleman for his comments.

Mr. Chairman, I want to say a word about the sponsor of the amendment, because I work with the gentleman from Ohio and have a great deal of admiration for this leadership on this committee throughout the consideration of this entire Housing Act.

It seems to me that the gentleman from Ohio is displaying a great deal of courage and foresight in sticking to his principles. He has brought to the House floor a issue that is difficult: A Federal program is no longer necessary as a Federal program. It is not easy for the gentleman to do that, but I am a great admirer of the gentleman's quiet and effective leadership.

The CHAIRMAN. The time of the gentleman from Texas [Mr. BARTLETT] has expired.

(On request of Mr. GREEN, and by unanimous consent, Mr. BARTLETT was allowed to proceed for 2 additional minutes.)

Mr. BARTLETT. I admire the gentleman's quiet and effective leadership in sticking to his principles on these and other programs.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. I yield to the gentleman from New York.

Mr. GREEN. On the question of need, I think what you have seen is that yes, some States have under pressure from FEMA dropped out. Those tend to be the States where the problem is most marginal. The fact that 16 States are still in the program despite the very strong efforts by FEMA to force them out, shows that there is a need. I repeat, that need is one that very much relates to this bill, because the unavailability of crime insurance in inner-city areas is a major contributor to urban decay. You kill this program and crime insurance becomes unavailable in those inner-city areas; you are going to find increased pressures for community development block grant appropriations and those kinds of appropriations to deal with the urban blight that you are going to create. You are not going to save the Federal Government any money in the long run.

Mr. BARTLETT. Mr. Chairman, I appreciate the gentleman's comments. It is my conclusion that we do not kill crime insurance by voting for and passing the Wylie amendment; we merely do require that it be shifted back to where it belongs in the first place, and that is to the States. That has been done in many cases, and will continue to be done, and would be done by the Wylie amendment.

Mr. GONZALEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in very strong opposition to the pending amendment. Despite the strong opposition by this administration since 1981, the Federal Crime Insurance Program has been continued by the Congress because it provides an essential service to many small businesses in urban communities throughout this country.

The argument made against the Federal Crime Insurance Program is that the program serves too few people, and that most of the outstanding policies are in one State. Since efforts have been made since 1981 to close the Federal Crime Insurance Program down, the Federal Insurance Administration has used every option available to construct barricades and obstacles to the effective administration of Federal crime insurance, discouraging the purchase of policies and making no information available as to the availability of crime insurance.

□ 1205

The administration has done its level best to hide the fact that this program is available to small businesses in urban communities who cannot afford the high cost of insurance against crimes of burglary and theft.

Let me say, and with special reference to the statement made by my distinguished colleague and also a very hard-working member of this subcommittee from my home State of Texas, that in Texas, for 3 years, we had various individual businessmen, small businessmen, in my city of San Antonio, Houston, and Dallas, who were informed through actions I had taken to disseminate information and who wanted to have available a source for crime insurance.

Finally, after 2½ years, last year we persuaded the State board of insurance of the State of Texas to recommend to the Governor the fact that there was a need and certified the need. The Governor of Texas then, just a few months ago, made application to FEMA, as the rules and regulations and procedures call for. He was told that it would be denied because they were closing down this program. In other words, if there are no more States and no more participants, it is because everything has been done to discourage and deny these applications from my own home State of Texas, where my colleague just stated by insinuation that perhaps there was no need or that if the need were there that it could be provided through other means than a Federal Crime Insurance Program.

I would also like to remind my colleagues that this Crime Insurance Program was never intended to be self-sustained. The Federal losses have amounted to no more than $5 million a year, and in many years, it has been less than that amount. Certainly the losses of the Federal Flood Insurance Program are considerably greater. Approximately 60,000 small businesses and residences concentrated in heavily populated urban areas rely entirely on the Federal Crime Insurance Program. Its elimination would be particularly counterproductive in those urban areas where attempts at revitalization in various Federal and local efforts are taking place. In high crime areas of many of our cities, many small businesses will not survive without this Federal Crime Insurance Program.

The arguments have been put forth that the Federal Crime Insurance Program benefits only a very few large urban States, that over 60 percent of the policies are in New York State, and that it is unfair to the taxpayers of the other States to subsidize crime insurance coverage in New York State. Over the course of years, the total amount of subsidies there have been about $2 billion, compared to about less than some $31 million in crime insurance. Over 60 percent of the Federal Flood Insurance Program policies are located in the State of Florida, my State of Texas, and Louisiana. Naturally, these are real hard coastal States.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(By unanimous consent, Mr. GONZALEZ was allowed to proceed for an additional 3 minutes.)

Mr. GONZALEZ. The argument has never been made with regard to the flood insurance program as to how unfair it is for taxpayers of other States to subsidize flood insurance policies in these three States.

Mr. Chairman, I believe that the Federal Crime Insurance Program is more in the nature of a crime victim's assistance program and should be supported by us, especially those who support efforts at providing assistance to victims of crime. At a time when businesses throughout the country are experiencing a crisis at their ability to keep and obtain adequate lines of insurance coverage, as has been so dramatically pointed out by several preceding speakers, to terminate this Crime Insurance Program represents a slap in the face to the many small businesses serving the business and commercial needs of our many inner-city areas.

Mr. Chairman, I urge defeat of this amendment.

Mr. KOLBE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I shall be brief. I rise in support of the amendment offered by the gentleman from Ohio.

There has been a good deal of discussion here about the difference between flood legislation and crime legislation. What I think we really see in this program here which we seek to terminate with this amendment is an example of a program that has outlived its usefulness. This program has been tried. We have tried to make it work. We found that it really has not had the kind of impact that we thought it would. It certainly has not had the national impact that we had anticipated it might. We have just found there are other alternatives that work better.

Now, it has been suggested here that it is a small program and we really ought not to do away with it because it is a small program and that it does not make that much difference.

I suggest that we ought not be swayed by that kind of siren song that has been suggested here today. If we always used that suggestion, we would always keep small programs and small programs then become monster programs some day.

I do not think this one is going to be in that category, but I think we do since a lot of attention has been given to flood legislation or flood insurance versus crime, I think we need to understand there really is a fundamental difference between the two. Flood insurance is really an alternative to disaster assistance and it is by and large not available in the private sector, whereas insurance that covers losses from crime is for the most part available.

Flood insurance is available in all 50 States and I know it is in my State. Some people to not think that Arizona has a lot of flooding problems, but we do. When the rain comes there and floods, it really floods, in Arizona. Just 3 years ago we had massive floods and massive amounts of insurance claims. It is an important program, as has been pointed out.

The crime program is available in only 23 and soon to be 16 States.

Flood insurance currently covers 2 million people and has a potential market much greater than that, three to four times that, while crime insurance peaked at 85,000 policies and has been steadily declining since that and is now down to about 36,000.

I do not think the reason for that is that FEMA has been trying to drive people out and has not been administering it well and has been trying to terminate the program. The fundamental reason that this program is not being used is that, States, when given the opportunity, are going to get out of it because they see something better out there.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I am happy to yield to the gentleman from Ohio.

Mr. WYLIE. Mr. Chairman, I thank the gentleman for his very thoughtful statement. He is by his statement here emphasizing several points that I made earlier, but which I think deserve emphasis if the Members really are to know where we are on this.

This is another example of one of those Federal programs which will not go away, which we cannot get rid of.

The Federal crime insurance program was enacted during the sixties. It is now an anachronism. It was enacted during the turmoil of the sixties as an effort on the part of the Federal Government to do something for those cities which were experiencing riots and crime of that kind.

As I mentioned, we had the riot reinsurance program, too.

The program provides insurance to high risk commercial and residential properties in those States which elect to participate in the program. It is no longer a national program and it should be carried out by the States.

As a matter of fact, most of the States are now going to the pooling of high risk policies like they do for automobile high risk insurance, into what we call risk pools.

We have provided in my amendment $10 million for a one-time transition fund in answer to the pleas of some of those States who say they need this extra money to get out of the program.

I think the gentleman is making a significant, thoughtful statement, and I appreciate it.

Mr. KOLBE. Mr. Chairman, I appreciate the remarks of the gentleman from Ohio. I think that point about the transition fund is important to help those States who do have this program and have found that they have some reliance on it to allow them to move to the alternatives, which clearly are out there.

I think one of the points that struck me is that the Federal Insurance Agency has tried in the past to market this program. Actually they had a pilot program in the late seventies and spent more than half a million dollars and they were not able to have any appreciable increase in the number of policies that were taken out under it. They have had very limited success with public information programs that they have done under this particular program.

I just think that there are alternatives out there. I just think it is time that we terminated at least this one program that comes under the jurisdication of our committee.

Mr. MANTON. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to the amendment.

I would like to say at the outset that a lot of the debate here has sort of focused on somewhat parochial concerns. I have noticed that we have a tendency at times to bash other sections of the country. I, for one, as a Member from an inner city district, I do not have a victory garden in my district and yet when the farm crisis fell upon us, I think many of us even though we were not directly affected or our constituents, we felt for the farmers and we voted for that type of legislation that would help them.

What we are saying here is that we have a very, very modest program, at a cost of $1.5 million or $1.6 million as compared with the flood insurance, which is about $80 million in this fiscal year, about 53 times the amount of the crime insurance, and yet many of us would support that, even though we do not have flood plains in our districts, because we think it helps other parts of the country where they have that problem.

If anybody knows anything about the inner city, the first thing to go in a neighborhood is when a store in a commercial shopping strip shuts down and gets boarded up. When you see that happen in your neighborhood, you know that you are in trouble and the whole neighborhood is in trouble and housing abandonment and all the other ills will follow, so I think that when an owner of a small business, and these businesses provide stability in the inner city, they provide jobs and services many times to low income communities, when they cannot get insurance and it is not available readily in many of these neighborhoods, the alternative is only to close their doors and the downward cycle starts.

So I am saying to my colleagues around the country, let us not be regional in our thinking here. You may not have inner city neighborhoods that require this type of insurance, but you might have a district where crop insurance or flood insurance is important. I think we all ought to look at the big picture; so I urge defeat of this amendment.

Mr. SOLARZ. Mr. Chairman, I rise in strong opposition to this amendment. For over 15 years, the Federal Crime Insurance Program [FCIP] has provided affordable theft and burglary insurance coverage to residents and small businesses of inner-city neighborhoods and distressed areas throughout the country. These people who benefit from this insurance coverage would otherwise be unable to obtain private insurance at affordable prices or even at high costs. Yet now, the sponsor of this amendment would choose to remove this essential help from the grasp of these people. Such an action would invite disastrous consequences.

Commercial policies typically cover small businesses in the city's distressed neighbor-

hoods with high crime rates. Such businesses are generally "uninsurable" in the view of private insurers. Despite their vital contribution to the survival of low-income communities, these businesses provide essential goods and services as well as entry-level jobs where such benefits are most needed.

The FCIP plays a vital role in these neighborhoods, acting as insurer of last resort where the private market fails to function. Without this program, many of these communites and businesses would fail, and substantially burden the national economy. The availability of affordable crime insurance is crucial for the survival of small businesses and homeowners. It is the small neighborhood stores—the heart and soul of these communities—that will be forced to close. Larger chain stores like K-Mart and McDonald's will always be able to pay their way. But the mom and pop stores, the local pharmacies and hardware stores will not make it. FCIP coverage is especially vital at this time, when private liability insurers are drastically cutting back coverage and significantly raising rates.

FCIP is important to New York State in general, and to my district in Brooklyn in particular. Currently, over 23,000 New York policyholders, of which more than 6,000 are commercial, rely on FCIP for affordable coverage against losses from crime. Last year FCIP policies, in force in the city's five boroughs represented $294 million in coverage. Commercial policies accounted for $69 million or roughly one-fourth of this amount. Citywide, 1,600 claims were paid for a total of $6.2 million. The commercial share is 1,100 claims, representing $5.3 million in payments to inner-city businesses victimized by property crime. Who can say what the damage would have been if these businesses had not been able to get insurance, and instead, would have been forced to close, thereby permanently scarring the communities involved.

In my district in Brooklyn, I know people who have had their stores burglarized as many as six times in the past year. If private insurers had their way, these people would be out of business, simply because they could not afford to be open. But because they are able to get Federal insurance, and because of the courage of these storeowners, they can remain open and continue contributing to the communities which they serve.

FCIP provides a further important service. It enables new businesses to begin in these areas where it would be otherwise difficult or impossible. An immigrant who comes to our shores might try to set up his shop in Brooklyn. He does not ask for a handout, but rather a hand-up, the ability to be able to conduct his business without the economic trauma that a burglarly can bring. Rather than a public works program, this is one cost effective and community effective way to keep these people employed, and to keep these communities growing.

Congress first enacted FCIP legislation in 1971, recognizing that the "vitality of many American cities is being threatened by the deterioration of their inner-city areas," and that the situation posed "a serious threat to the national economy * * *." At that time, the Congress realized that this program was never intended to be self-sustaining. But the losses are minimal, about $5 million a year, and even this money is well-spent and, in the long run, cost effective. I urge my colleagues to join me in opposing this unwise amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. WYLIE].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WYLIE. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

Pursuant to the provisions of clause 2, rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 146]

ANSWERED "PRESENT"—386

Ackerman	Clinger	Feighan
Akaka	Coats	Fields
Alexander	Cobey	Fish
Anderson	Coble	Flippo
Andrews	Coelho	Florio
Annunzio	Coleman (MO)	Foglietta
Anthony	Coleman (TX)	Foley
Applegate	Collins	Ford (MI)
Archer	Combest	Ford (TN)
Armey	Conte	Fowler
Atkins	Conyers	Frank
AuCoin	Cooper	Franklin
Barnard	Coughlin	Frenzel
Barnes	Courter	Fuqua
Bartlett	Coyne	Gallo
Barton	Craig	Garcia
Bates	Crane	Gejdenson
Bedell	Crockett	Gekas
Beilenson	Daniel	Gephardt
Bennett	Dannemeyer	Gibbons
Bentley	Darden	Gilman
Bereuter	Daschle	Gingrich
Berman	Daub	Glickman
Bevill	DeLay	Gonzalez
Biaggi	Derrick	Goodling
Bilirakis	DeWine	Gordon
Bliley	Dickinson	Gradison
Boehlert	Dicks	Gray (IL)
Boggs	Dingell	Gray (PA)
Boland	DioGuardi	Green
Bonior (MI)	Dixon	Gregg
Bonker	Donnelly	Guarini
Borski	Dorgan (ND)	Gunderson
Bosco	Dornan (CA)	Hall (OH)
Boucher	Dowdy	Hall, Ralph
Boulter	Downey	Hamilton
Boxer	Dreier	Hammerschmidt
Brooks	Duncan	Hansen
Broomfield	Durbin	Hatcher
Brown (CA)	Dwyer	Hayes
Brown (CO)	Dymally	Hefner
Broyhill	Dyson	Hendon
Bruce	Early	Henry
Bryant	Eckart (OH)	Hertel
Burton (CA)	Eckert (NY)	Hiler
Burton (IN)	Edgar	Hillis
Bustamante	Edwards (CA)	Holt
Byron	Edwards (OK)	Hopkins
Callahan	Emerson	Horton
Carney	English	Howard
Carper	Erdreich	Hubbard
Carr	Evans (IL)	Huckaby
Chapman	Fascell	Hughes
Cheney	Fawell	Hutto
Clay	Fazio	Hyde
Ireland	Moakley	Sisisky
Jacobs	Molinari	Skeen
Jeffords	Monson	Skelton
Jenkins	Montgomery	Slattery
Johnson	Moody	Slaughter
Jones (NC)	Moore	Smith (FL)
Jones (OK)	Moorhead	Smith (IA)
Jones (TN)	Morrison (CT)	Smith (NE)
Kanjorski	Morrison (WA)	Smith (NJ)
Kaptur	Mrazek	Smith, Denny (OR)
Kasich	Murphy	
Kastenmeier	Murtha	Smith, Robert (NH)
Kemp	Myers	
Kennelly	Natcher	Smith, Robert (OR)
Kildee	Neal	
Kindness	Nelson	Snowe
Kleczka	Nichols	Snyder
Kolbe	Nielson	Solarz
Kolter	Nowak	Solomon
Kostmayer	Oakar	Spence
LaFalce	Oberstar	Spratt
Lagomarsino	Obey	St Germain
Lantos	Olin	Staggers
Latta	Ortiz	Stallings
Leach (IA)	Owens	Stangeland
Leath (TX)	Oxley	Stenholm
Lehman (CA)	Packard	Stokes
Lehman (FL)	Panetta	Strang
Leland	Parris	Stratton
Lent	Pashayan	Studds
Levin (MI)	Pease	Stump
Levine (CA)	Penny	Sundquist
Lewis (CA)	Pepper	Sweeney
Lewis (FL)	Perkins	Swift
Lightfoot	Petri	Swindall
Lipinski	Porter	Synar
Livingston	Price	Tallon
Loeffler	Pursell	Tauke
Long	Rahall	Tauzin
Lott	Ray	Taylor
Lowery (CA)	Regula	Thomas (CA)
Lowry (WA)	Reid	Thomas (GA)
Lujan	Richardson	Torres
Luken	Ridge	Towns
Lungren	Rinaldo	Traficant
Mack	Ritter	Traxler
MacKay	Roberts	Valentine
Madigan	Robinson	Vander Jagt
Manton	Roemer	Vento
Markey	Rogers	Visclosky
Marlenee	Rostenkowski	Volkmer
Martin (IL)	Roth	Vucanovich
Martinez	Roukema	Walker
Matsui	Rowland (CT)	Watkins
Mavroules	Rowland (GA)	Weaver
Mazzoli	Roybal	Weber
McCain	Rudd	Weiss
McCandless	Russo	Wheat
McCollum	Sabo	Whitehurst
McCurdy	Savage	Whitley
McDade	Saxton	Whittaker
McEwen	Schaefer	Williams
McGrath	Scheuer	Wirth
McHugh	Schneider	Wise
McKernan	Schroeder	Wolpe
McKinney	Schuette	Wortley
McMillan	Schumer	Wright
Meyers	Seiberling	Wyden
Mica	Sensenbrenner	Wylie
Michel	Sharp	Yates
Mikulski	Shaw	Yatron
Miller (OH)	Shelby	Young (AK)
Miller (WA)	Shumway	Young (FL)
Mineta	Sikorski	Young (MO)
Mitchell	Siljander	

□ 1230

The CHAIRMAN. Three hundred eighty-six Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Ohio [Mr. WYLIE] for a recorded vote. Five minutes will be allowed for the vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 176, noes 219, not voting 38, as follows:

[Roll No. 147]

AYES—176

Archer	Hillis	Porter
Armey	Holt	Pursell
Atkins	Hopkins	Quillen
Barnard	Hubbard	Regula
Barnes	Huckaby	Ritter
Bartlett	Hughes	Roberts
Barton	Hunter	Robinson
Bateman	Hutto	Roemer
Bentley	Hyde	Rogers
Bereuter	Ireland	Roth
Bilirakis	Jacobs	Roukema
Bliley	Jenkins	Rowland (CT)
Boulter	Kasich	Rudd
Broomfield	Kindness	Schaefer
Brown (CO)	Kolbe	Schuette
Broyhill	Lagomarsino	Sensenbrenner
Burton (IN)	Latta	Shaw
Byron	Leach (IA)	Shumway
Carney	Leath (TX)	Shuster
Carper	Lewis (CA)	Siljander
Carr	Lewis (FL)	Skeen
Cheney	Lightfoot	Slattery
Coats	Livingston	Slaughter
Cobey	Loeffler	Smith (NE)
Coble	Lott	Smith, Denny (OR)
Coleman (MO)	Lowery (CA)	Smith, Robert (NH)
Combest	Lujan	Smith, Robert (OR)
Craig	Luken	Snowe
Crane	Lungren	Snyder
Daniel	Mack	Spence
Dannemeyer	Madigan	Stallings
Darden	Marlenee	Stangeland
Daub	Martin (IL)	Stenholm
DeLay	McCain	Strang
DeWine	McCandless	Stump
Dickinson	McCollum	Sundquist
Dornan (CA)	McDade	Sweeney
Dreier	McEwen	Swindall
Duncan	McKernan	Tallon
Dyson	McMillan	Tauke
Eckert (NY)	Meyers	Tauzin
Edwards (OK)	Michel	Taylor
Emerson	Mikulski	Thomas (CA)
Fawell	Miller (OH)	Vander Jagt
Fields	Miller (WA)	Volkmer
Franklin	Monson	Vucanovich
Frenzel	Montgomery	Walker
Gingrich	Moore	Weber
Glickman	Moorhead	Whitehurst
Goodling	Morrison (WA)	Whittaker
Gradison	Myers	Whitten
Gregg	Nielson	Wolf
Gunderson	Olin	Wolpe
Hall (OH)	Oxley	Wylie
Hall, Ralph	Packard	Young (AK)
Hammerschmidt	Parris	Young (FL)
Hansen	Pashayan	
Hendon	Pease	
Henry	Penny	
Hiler	Petri	

NOES—219

Ackerman	Brooks	Dorgan (ND)
Akaka	Brown (CA)	Dowdy
Alexander	Bruce	Downey
Anderson	Bryant	Durbin
Andrews	Burton (CA)	Dwyer
Annunzio	Callahan	Dymally
Anthony	Chapman	Early
Applegate	Clay	Eckart (OH)
Aspin	Clinger	Edgar
AuCoin	Coelho	Edwards (CA)
Bates	Coleman (TX)	English
Bedell	Collins	Erdreich
Beilenson	Conte	Evans (IL)
Bennett	Conyers	Fascell
Berman	Cooper	Fazio
Bevill	Coughlin	Feighan
Biaggi	Courter	Fish
Boehlert	Coyne	Flippo
Boggs	Crockett	Florio
Boland	Daschle	Foglietta
Bonior (MI)	Derrick	Foley
Bonker	Dicks	Ford (MI)
Borski	Dingell	Ford (TN)
Bosco	DioGuardi	Fowler
Boucher	Dixon	Frank
Boxer	Donnelly	Frost
Fuqua	Manton	Saxton
Gallo	Markey	Scheuer
Garcia	Martinez	Schneider
Gejdenson	Matsui	Schroeder
Gekas	Mavroules	Schumer
Gephardt	Mazzoli	Seiberling
Gibbons	McCloskey	Sharp
Gilman	McCurdy	Shelby
Gonzalez	McGrath	Sikorski
Gordon	McHugh	Sisisky
Gray (IL)	McKinney	Skelton
Gray (PA)	Mica	Smith (FL)
Green	Mineta	Smith (IA)
Guarini	Mitchell	Smith (NJ)
Hamilton	Moakley	Solarz
Hatcher	Molinari	Solomon
Hayes	Moody	Spratt
Hefner	Morrison (CT)	St Germain
Hertel	Mrazek	Staggers
Horton	Murphy	Stark
Howard	Murtha	Stokes
Jeffords	Natcher	Stratton
Johnson	Neal	Studds
Jones (NC)	Nelson	Swift
Jones (OK)	Nichols	Synar
Jones (TN)	Nowak	Thomas (GA)
Kanjorski	Oakar	Torres
Kaptur	Oberstar	Towns
Kastenmeier	Obey	Traficant
Kemp	Ortiz	Traxler
Kennelly	Owens	Valentine
Kildee	Panetta	Vento
Kleczka	Pepper	Visclosky
Kolter	Perkins	Watkins
Kostmayer	Price	Waxman
LaFalce	Rahall	Weaver
Lantos	Ray	Weiss
Lehman (CA)	Reid	Wheat
Lehman (FL)	Richardson	Whitley
Leland	Ridge	Williams
Lent	Rinaldo	Wirth
Levin (MI)	Rostenkowski	Wise
Levine (CA)	Rowland (GA)	Wortley
Lipinski	Roybal	Wyden
Long	Russo	Yates
Lowry (WA)	Sabo	Yatron
MacKay	Savage	Young (MO)

NOT VOTING—38

Badham	Gaydos	Pickle
Boner (TN)	Grotberg	Rangel
Breaux	Hartnett	Rodino
Bustamante	Hawkins	Roe
Campbell	Heftel	Rose
Chandler	Hoyer	Schulze
Chappell	Kramer	Torricelli
Chappie	Lloyd	Udall
Davis	Lundine	Walgren
de la Garza	Martin (NY)	Wilson
Dellums	Miller (CA)	Wright
Evans (IA)	Mollohan	Zschau
Fiedler	O'Brien	

□ 1240

The Clerk announced the following pair:

On this vote:

Mr. Badham for, with Mr. Dellums against.

Mr. LENT changed his vote from "aye" to "no."

Messrs. LEWIS of Florida, EMERSON, HUGHES, and QUILLEN changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to title I?

If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II—HOUSING ASSISTANCE

Subtitle A—Programs Under United States Housing Act of 1937

SEC. 201. LOWER INCOME HOUSING AUTHORIZATION.

(a) AGGREGATE BUDGET AUTHORITY.—Section 5(c)(6) of the United States Housing Act of 1937 is amended by adding at the end the following new sentence: "The aggregate amount of budget authority that may be obligated for contributions contracts is increased by such sums as may be approved in appropriation Acts for fiscal years 1986 and 1987.".

(b) UTILIZATION OF BUDGET AUTHORITY.—Section 5(c)(7) of the United States Housing Act of 1937 is amended to read as follows:

"(7)(A) Any amount available for Indian housing under subsection (a) that is recaptured may be used only for such housing.

"(B) Any amount available for the conversion of a project to assistance under section 8(b)(1), if not required for such purpose, shall be used for assistance under section 8(b)(1).".

SEC. 202. TENANT RENTAL CONTRIBUTIONS.

(a) PUBLIC HOUSING ECONOMIC RENT.—Section 3(a) of the United States Housing Act of 1937 is amended—

(1) by inserting "(1)" after "(a)";

(2) in the last sentence, by striking "A" and inserting the following: "Except as provided in paragraph (2), a";

(3) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively; and

(4) by adding at the end the following new paragraph:

"(2) Any public housing agency may provide that each family residing in a public housing project owned and operated by such agency shall pay as monthly rent an amount determined by such agency to be appropriate that does not exceed a maximum amount that—

"(A) is established by such agency and approved by the Secretary;

"(B) is not more than the amount payable as rent by such family under paragraph (1); and

"(C) is not more than (i) the average monthly amount of debt service and operating expenses attributable to dwelling units of similar size in public housing projects owned and operated by such agency; or (ii) the fair market rentals established in the housing area for dwelling units under section 8(b)(1).".

(b) UTILITY ALLOWANCE.—Section 3(c) of the United States Housing Act of 1937 is amended by adding at the end the following new paragraph:

"(4) The term 'rent' means—

"(A) the amount payable by a family to a public housing agency for shelter; and

"(B) in any case in which a family is required to make a separate payment to a public housing agency or a utility supplier based on actual utility consumption, an allowance established annually based on average actual utility consumption (excluding telephone service) for each size and type of dwelling unit.".

SEC. 203. GRANTS FOR PUBLIC HOUSING DEVELOPMENT.

(a) AUTHORITY TO PROVIDE GRANTS.—Section 5(a) of the United States Housing Act of 1937 is amended to read as follows:

"(a)(1) The Secretary may make annual contributions to public housing agencies to assist in achieving and maintaining the lower income character of their projects. The Secretary shall embody the provisions

for such annual contributions in a contract guaranteeing their payment. The contribution payable annually under this section shall in no case exceed a sum equal to the annual amount of principal and interest payable on obligations issued by the public housing agency to finance the development or acquisition cost of the lower income project involved. Annual contributions payable under this section shall be pledged, if the Secretary so requires, as security for obligations issued by a public housing agency to assist the development or acquisition of the project to which annual contributions relate and shall be paid over a period not to exceed 40 years.

"(2) The Secretary may make contributions (in the form of grants) to public housing agencies to cover the development cost of public housing projects. The contract under which such contributions shall be made shall specify the amount of capital contributions required for each project to which the contract pertains, and that the terms and conditions of such contract shall remain in effect for a 40-year period.

"(3) The amount of contributions that would be established for a newly constructed project by a public housing agency designed to accommodate a number of families of a given size and kind may be established under this section for a project by such public housing agency that would provide housing for the comparable number, sizes, and kinds of families through the acquisition and rehabilitation, or use under lease, of structures that are suitable for lower income housing use and obtained in the local market.".

(b) CONFORMING AMENDMENTS.—

(1) Section 5 of the United States Housing Act of 1937 is amended—

(A) by striking "ANNUAL" in the section heading; and

(B) by striking "annual" in subsection (e)(2).

(2) Section 6 of the United States Housing Act of 1937 is amended by striking "annual" the first place it appears in the first sentence of subsection (g), and each place it appears in subsection (d) and the first sentence of each of subsections (a) and (c).

(3) Section 7 of the United States Housing Act of 1937 is amended by striking "annual" in the proviso in the first sentence.

(4) Section 9(a)(2) of the United States Housing Act of 1937 is amended—

(A) by striking "being assisted by an annual contributions contract authorized by section 5(c)" and inserting the following: "one developed pursuant to a contributions contract authorized by section 5"; and

(B) by striking "any such annual" and inserting "any such".

(5) Section 12 of the United States Housing Act of 1937 is amended by striking "annual".

(6) Section 14 of the United States Housing Act of 1937 is amended—

(A) by striking "receive assistance under section 5(c)" in subsection (c)(2) and inserting "assisted under section 5"; and

(B) by striking "annual" in each of paragraphs (2) and (4)(C) of subsection (d).

(7) Section 15 of the United States Housing Act of 1937 is amended by striking "with loans or debt service annual contributions" in clause (2).

(8) Section 16(b) of the United States Housing Act of 1937 is amended by striking "annual".

(9) Section 18(c) of the United States Housing Act of 1937 is amended by striking "annual contributions authorized under section 5(c)" and inserting "contributions authorized under section 5".

SEC. 204. SECTION 8 ASSISTANCE.

(a) CONTRACTS FOR EXISTING DWELLING UNITS.—The first sentence of section 8(b)(1) of the United States Housing Act of 1937 is amended by inserting ", which shall be for 15 years," after "annual contributions contracts".

(b) PUBLIC HOUSING AGENCY FEES.—

(1) Section 8(b) of the United States Housing Act of 1937 is amended by adding at the end the following new paragraph:

"(2) The method of calculation, the preliminary fee, and the percentage established for administrative fees paid to a public housing agency administering a contract under this subsection shall be the method of calculation, the preliminary fee, and the percentage established by the Secretary before January 1, 1985, and in effect on such date.".

(2) The amendment made by this subsection shall be applicable to administrative fees payable with respect to the administrative activities of a public housing agency after December 31, 1984.

(c) FAIR MARKET RENTALS.—Section 8(c)(1) of the United States Housing Act of 1937 is amended by inserting before the last sentence the following new sentence: "Each fair market rental in effect under this subsection shall be adjusted to be effective on October 1 of each year to reflect changes, based on the most recent available data trended so the rentals will be current for the year to which they apply, of rents for existing or newly constructed rental dwelling units, as the case may be, of various sizes and types in the market area suitable for occupancy by persons assisted under this section.".

SEC. 205. VOUCHER DEMONSTRATION PROGRAM ADMINISTRATIVE FEES.

Section 8(o) of the United States Housing Act of 1937 is amended by adding at the end the following new paragraph:

"(9) The assistance under this subsection that is retained by public housing agencies for administrative expenses shall be equal to the assistance under section 8(b) that is retained by such agencies for such expenses.".

SEC. 206. PAYMENTS FOR OPERATION OF LOWER INCOME HOUSING PROJECTS.

(a) PERFORMANCE FUNDING SYSTEM.—Section 9(a) of the United States Housing Act of 1937 is amended—

(1) by striking the last sentence of paragraph (1); and

(2) by adding at the end the following new paragraph:

"(3)(A) For purposes of making payments under this section, the Secretary shall utilize a performance funding system that is substantially based on the system defined in regulations and in effect on the date of the enactment of the Housing Act of 1986 (as modified by this paragraph), and that establishes standards for costs of operation and reasonable projections of income, taking into account the character and location of the project and the characteristics of the families served, in accordance with a formula representing the operations of a prototype well-managed project. Such performance funding system shall be established in consultation with public housing agencies and their associations, be contained in a regulation promulgated by the Secretary prior to the start of any fiscal year to which it applies, and remain in effect for the duration of such fiscal year without change.

"(B) Under the performance funding system established under this paragraph—

"(i) in the first year that the reductions occur, any public housing agency shall share equally with the Secretary any cost reductions due to the differences between projected and actual utility rates attributable to actions taken by the agency which lead to such reductions;

"(ii) there shall be a formal review process for the purpose of providing such revisions to the allowable expense level of a public housing agency as necessary—

"(I) to correct inequities and abnormalities that exist in the base year expense level of such public housing agency;

"(II) to reflect changes in operating circumstances since the initial determination of such base year expense level; and

"(III) to ensure that the allowable expense limit accurately reflects the higher cost of operating the project in an economically distressed unit of local government and the lower cost of operating the project in an economically prosperous unit of local government;

"(iii) public housing agencies shall be reimbursed for costs incurred that were beyond their control and the full extent of which were not taken into consideration in the original distribution of funds for the fiscal year involved;

"(iv) the estimate of the rental income for the next fiscal year of a public housing agency shall be based on the actual rent for the fourth, fifth, or sixth month prior to the beginning of the new fiscal year of the public housing agency; and

"(v) any revenues resulting from rental income or other income (excluding investment income) in excess of estimated revenues from such items may not be recaptured, used, or computed to reduce assistance provided under this section, unless such estimate—

"(I) was unreasonable according to regulations in effect when the estimate was made; or

"(II) was fraudulent and deceptive.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 9(c) of the United States Housing Act of 1937 is amended by adding at the end the following new sentence: "There are authorized to be appropriated, for the purpose of providing annual contributions under this section, such sums as may be provided in appropriation Acts for fiscal year 1987.".

(c) TIME OF PAYMENT.—Section 9 of the United States Housing Act of 1937 is amended by adding at the end the following new subsection:

"(e) In the case of any public housing agency that submits its budget for any fiscal year of such agency to the Secretary in a timely manner in accordance with the regulations issued by the Secretary under this section, assistance to be provided to such agency under this section for such fiscal year shall commence not later than the 1st month of such fiscal year, and shall be paid in equal monthly or quarterly installments or in accordance with such other payment schedule as may be agreed upon by the Secretary and such agency.".

SEC. 207. GRANTS FOR COMPREHENSIVE IMPROVEMENT ASSISTANCE.

(a) AUTHORITY TO PROVIDE GRANTS.—Section 14 of the United States Housing Act of 1937 is amended by adding at the end the following new subsection:

"(k) The Secretary may make contributions (in the form of grants) to public housing agencies under this section. The con-

tract under which such contributions shall be made shall specify the amount of contributions required for each project to which the contract pertains, and that the terms and conditions of such contract shall remain in effect for a 20-year period.".

(b) CONFORMING AMENDMENTS.—

(1) Section 14(e) of the United States Housing Act of 1937 is amended by striking "annual".

(2) Section 14 of the United States Housing Act of 1937 is amended by inserting "or (k)" after "subsection (b)" each place it appears in subsections (c), (d), (e), (g), (h), and (i).

SEC. 208. INCOME ELIGIBILITY FOR ASSISTED HOUSING.

Section 16 of the United States Housing Act of 1937 is amended to read as follows:

"INCOME ELIGIBILITY FOR ASSISTED HOUSING

"SEC. 16. Not more than 25 percent of the dwelling units that are available for occupancy under public housing annual contributions contracts and section 8 housing assistance payments contracts under this Act shall be available for leasing by lower income families other than very low-income families.".

SEC. 209. RENTAL REHABILITATION AND DEVELOPMENT GRANTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 17(a) of the United States Housing Act of 1937 is amended by adding at the end the following new paragraph:

"(4) ADDITIONAL AUTHORIZATION.—There are authorized to be appropriated for rental rehabilitation and for development grants such sums as may be provided in appropriation Acts for fiscal years 1986 and 1987.".

(b) RENTAL DEVELOPMENT PROGRAM REQUIREMENTS.—Section 17(d)(4) of the United States Housing Act of 1937 is amended—

(1) by striking "and" at the end of subparagraph (G);

(2) by striking the period at the end of subparagraph (H) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(I) the owner of each assisted structure agrees to comply with the provisions of paragraph (8) until the 20-year period specified in paragraph (7) has ended.".

SEC. 210. PUBLIC HOUSING DEMOLITION AND DISPOSITION.

Section 18 of the United States Housing Act of 1937 is amended—

(1) in subsection (a)(1), by striking "or" after "purposes," and inserting "and"; and

(2) in subsection (b)—

(A) by striking "and" at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(3) the public housing agency has developed a plan for the addition of public housing dwelling units in an aggregate number equal to the number of such units proposed to be demolished or disposed under such application, and the Secretary has agreed to provide funding for such plan if necessary, except that—

"(A) such 1-for-1 replacement requirement shall not apply if there is no local need for low-income housing; and

"(B) if necessary funding for public housing dwelling units is not available, dwelling units assisted with project-based assistance under section 8 may be substituted.".

SEC. 211. TREATMENT OF CERTAIN PUBLIC HOUSING DEVELOPMENT FUNDS.

Notwithstanding any other provision of law or other requirement, no interest shall accrue on any excess funds advanced to the Housing Authority of the City of Pittsburgh, in the State of Pennsylvania, for development of the public housing project numbered PA-1-22. Any such interest that accrues before the date of the enactment of this Act shall be forgiven.

SEC. 212. PUBLIC HOUSING COMPREHENSIVE GRANTS.

(a) FINDINGS.—The Congress hereby finds that—

(1) the condition of public housing projects financed under the United States Housing Act of 1937 is in some cases substandard, forcing many dwelling units to remain vacant, forcing many lower income families to live in substandard or dangerous living conditions, and preventing many others from obtaining decent, safe, and sanitary rental housing at an affordable rent as provided for under such Act;

(2) the Federal Government has a responsibility to help ensure the maintenance of public housing dwelling units in decent, safe, and sanitary condition, and to provide public housing agencies with funds sufficient to carry out such maintenance;

(3) the current comprehensive assistance improvement program has not provided public housing agencies the flexibility and responsibility essential for establishing priorities for capital improvement expenditures, assessing the relative needs of all public housing projects, and evaluating the relative advantages of repair, major maintenance, and capital replacement;

(4) the current comprehensive assistance improvement program has made it difficult for public housing agencies to plan capital improvements on a multiyear basis; and

(5) the current comprehensive assistance improvement program has resulted in unnecessary paperwork and delay, thereby increasing costs for capital improvements.

(b) PURPOSE.—It is the purpose of the amendments made by this section—

(1) to provide assistance on a reliable basis to public housing agencies to enable them to operate, upgrade, modernize, and rehabilitate public housing projects financed under the United States Housing Act of 1937 to ensure their continued availability as decent, safe, and sanitary rental housing at rents affordable to lower income families;

(2) to increase the reliability of Federal assistance for capital improvements in public housing projects;

(3) to significantly deregulate the program of Federal assistance for capital improvements in public housing projects;

(4) to provide increased opportunities and incentives for more efficient management of public housing projects; and

(5) to afford public housing agencies greater control in planning for the maintenance and improvement of public housing projects.

(c) COMPREHENSIVE GRANT PROGRAM.—The United States Housing Act of 1937 is amended by adding at the end the following new section:

"COMPREHENSIVE GRANT PROGRAM

"SEC. 20. (a) PURPOSE.—It is the purpose of this section to provide assistance to improve the physical condition of existing public housing projects and to upgrade their management and operation in order to contribute to their long-term physical and social viability and their continued availability to provide decent, safe, and sanitary living conditions for lower income families.

"(b) AUTHORITY TO PROVIDE FINANCIAL ASSISTANCE.—The Secretary may make available, and (to the extent of amounts provided in appropriation Acts) contract to make available, financial assistance to public housing agencies in accordance with the provisions of this section with respect to public housing (as defined in section 3(b)(1)) owned or operated by such agencies.

"(c) COMPREHENSIVE PLAN.—No financial assistance may be made available to a public housing agency under this section unless the Secretary approves a 5-year comprehensive plan submitted by the public housing agency on a date determined by the Secretary, except that the Secretary may provide such assistance if it is necessary to correct conditions that constitute an immediate threat to the health or safety of tenants. The comprehensive plan shall contain—

"(1) a comprehensive assessment of—

"(A) the current physical condition of each public housing project owned or operated by the public housing agency;

"(B) the physical improvements necessary for each such project to permit the project to be rehabilitated to a level at least equal to the minimum property standards established by the Secretary and in effect at the time of the preparation of the comprehensive plan; and

"(C) the replacement needs of equipment systems and structural elements that will be required to be met (assuming routine and timely maintenance is performed) during the 5-year period covered by the comprehensive plan;

"(2) a comprehensive assessment of the improvements needed to upgrade the management and operation of the public housing agency and of each such project so that decent, safe, and sanitary living conditions will be provided such projects, which assessment shall include at least an identification of needs related to—

"(A) the management, financial, and accounting control systems of the public housing agency that are related to such projects;

"(B) the adequacy and qualifications of personnel employed by the public housing agency (in the management and operation of such projects) for each category of employment; and

"(C) the adequacy and efficacy of—

"(i) tenant programs and services in such projects;

"(ii) the security of each such project and its tenants;

"(iii) policies and procedures of the public housing agency for the selection and eviction of tenants in such projects; and

"(iv) other policies and procedures of the public housing agency relating to such projects, as specified by the Secretary;

"(3) an analysis, made on a project-by-project basis in accordance with standards and criteria prescribed by the Secretary, demonstrating that completion of the improvements and replacements identified under paragraphs (1) and (2) will reasonably ensure the long-term physical and social viability of each such project at a reasonable cost;

"(4) an action plan for making the improvements and replacements identified under paragraphs (1) and (2) that are determined under the analysis described in paragraph (3) to reasonably ensure long-term viability of each such project at a reasonable cost, which action plan shall include at least a schedule, in order of priority, of the actions that are to be completed over a period of not more than 5 years from the date of approval of the comprehensive plan by the Secretary and that are necessary—

"(A) to make the improvements and replacements identified under paragraph (1)

for each project expected to receive capital improvements or replacements; and

"(B) to upgrade the management and operation of the public housing agency and its public housing projects as described in paragraph (2);

"(5) a statement, to be signed by the chief local government official (or Indian tribal official, if appropriate), certifying that—

"(A) the comprehensive plan was developed by the public housing agency in consultation with appropriate local government officials (or Indian tribal officials, if appropriate) and with tenants of the housing projects eligible for assistance under this section, which shall include not less than 2 public hearings (i) at least 1 of which shall be held prior to the initial adoption of any plan by the public housing agency for use of such assistance, and afford tenants and interested parties an opportunity to summarize their priorities and concerns, to ensure their due consideration in the planning process of the public housing agency; and (ii) at least 1 of which shall be held prior to final submission of the plan to the Department of Housing and Urban Development for its approval, to provide tenants and other interested parties an opportunity to comment on the plan of action proposed by the public housing agency in its submission; and

"(B) the comprehensive plan is consistent with the assessment of the community of its lower income housing needs and that the unit of general local government (or Indian tribe, if appropriate) will cooperate in the provision of tenant programs and services (as defined in section 3(c)(2));

"(6) a statement, to be signed by the chief public housing official, certifying that the public housing agency will carry out the comprehensive plan in conformity with title VI of the Civil Rights Act of 1964, title VIII of the Act of April 11, 1968 (commonly known as the Civil Rights Act of 1968), and section 504 of the Rehabilitation Act of 1973;

"(7) a preliminary estimate of the total cost of the items identified in paragraphs (1) and (2), including a preliminary estimate of the costs that will be incurred during each year covered by the comprehensive plan; and

"(8) such other information as the Secretary may require.

"(d) REVIEW OF COMPREHENSIVE PLANS.—

"(1) STANDARD FOR APPROVAL.—The Secretary shall approve a comprehensive plan unless—

"(A) the comprehensive plan is incomplete;

"(B) on the basis of available significant facts and data pertaining to the physical and operational condition of the public housing projects of the public housing agency or the management and operations of the public housing agency, the Secretary determines that the identification by the public housing agency of needs is plainly inconsistent with such facts and data;

"(C) on the basis of the comprehensive plan, the Secretary determines that the action plan described in subsection (c)(4) is plainly inappropriate to meeting the needs identified in the comprehensive plan, or that the public housing agency has failed to demonstrate that completion of improvements and replacements identified under paragraphs (1) and (2) of subsection (c) will reasonably ensure long-term viability of 1 or more public housing projects to which they relate at a reasonable cost; or

"(D) there is evidence available to the Secretary that tends to challenge in a substantial manner any certification contained in the comprehensive plan.

"(2) SCHEDULE FOR APPROVAL.—The comprehensive plan shall be considered to be approved, unless the Secretary notifies the public housing agency in writing within 75 calendar days of submission that the Secretary has disapproved the comprehensive plan as submitted, indicating the reasons for disapproval and modifications required to make the comprehensive plan approvable.

"(e) ANNUAL STATEMENT.—

"(1) SUBMISSION.—Each public housing agency receiving assistance under this section shall submit to the Secretary, at a date determined by the Secretary, an annual statement of the activities and expenditures projected to be funded, in whole or in part, by such assistance during the immediately following fiscal year of the public housing agency. The annual statement shall include a certification by the public housing agency that the proposed activities and expenditures are consistent with the approved comprehensive plan of the public housing agency. The annual statement also shall include a certification that the public housing agency has provided the tenants of the public housing and other interested parties the opportunity to review the annual statement and comment on it, and that such comments have been taken into account in formulating the annual statement as submitted to the Secretary.

"(2) PROPOSED AMENDMENTS TO COMPREHENSIVE PLAN.—A public housing agency may propose an amendment to its comprehensive plan under subsection (c) in any annual statement. Any such proposed amendment shall be reviewed in accordance with subsection (d), and shall include a certification that (A) the proposed amendment has been made publicly available for comment prior to its submission; (B) tenants and other interested parties have been given sufficient time to review and comment on it; and (C) such comments have been taken into consideration in the preparation and submission of the amendment.

"(3) APPROVAL.—The Secretary shall approve the annual statement unless the Secretary determines that it is inconsistent with the comprehensive plan. The annual statement shall be considered to be approved, unless the Secretary notifies the public housing agency in writing before the expiration of the 75-day period following submission of the annual statement that the Secretary has disapproved the annual statement as submitted, indicating the reasons for disapproval and the modifications required to make the annual statement approvable. The annual statement shall be approved before the public housing agency receives any assistance under this section for the fiscal year to which the annual statement relates.

"(f) ANNUAL PERFORMANCE REPORTS; REVIEWS AND AUDITS.—

"(1) PERFORMANCE AND EVALUATION REPORTS.—Each public housing agency receiving assistance under this section shall submit to the Secretary, on a date determined by the Secretary, a performance and evaluation report concerning the use of funds made available under this section. The report of the public housing agency shall include an assessment by the public housing agency of the relationship of such use of funds made available under this section, as well as the use of other funds, to the needs identified in the comprehensive plan of the public housing agency and to the purposes of this section. The public housing agency shall certify that the report has been made available for review and comment by tenants and other interested parties prior to its submission to the Secretary.

"(2) REVIEWS BY SECRETARY.—The Secretary shall, at least on an annual basis, make such reviews as may be necessary or appropriate to determine whether each public housing agency receiving assistance under this section—

"(A) has carried out its activities under this section in a timely manner and in accordance with its comprehensive plan;

"(B) has a continuing capacity to carry out its comprehensive plan in a timely manner;

"(C) has satisfied, or has made reasonable progress toward satisfying, such performance standards as shall be prescribed by the Secretary, which shall include at least that the public housing agency shall—

"(i) maintain all occupied dwelling units in public housing projects eligible for assistance under this section at levels at least equal to the housing quality standards established by the Secretary under section 8(o)(6);

"(ii) maintain at least a 97 percent occupancy rate for all dwelling units in such projects; and

"(iii) maintain an operating reserve, as authorized under section 9(a), equal to at least 20 percent of the routine expenses in the operating budget of each year; and

"(D) has made reasonable progress in carrying out modernization projects approved under the provisions of section 14.

"(3) AUDITS OF FINANCIAL TRANSACTIONS.—Recipients of assistance under this section shall have an audit made in accordance with chapter 75 of title 31, United States Code. The Secretary, the Inspector General of the Department of Housing and Urban Development, and the Comptroller General of the United States shall have access to all books, documents, papers, or other records that are pertinent to the activities carried out under this section in order to make audit examinations, excerpts, and transcripts.

"(4) CORRECTIVE ACTION.—The comprehensive plan, any amendments to the comprehensive plan, and the annual statement shall, once approved by the Secretary, be binding upon the Secretary and the public housing agency. The Secretary may order corrective action only if the public housing agency does not comply with paragraph (1) or (2) or if an audit under paragraph (3) reveals findings that the Secretary reasonably believes require such corrective action. The Secretary may withhold funds under this section only if the public housing agency fails to take such corrective action after notice and a reasonable opportunity to do so. In administering this section, the Secretary shall, to the greatest extent possible, respect the professional judgment of the administrators of the public housing agency.

"(g) ELIGIBLE COSTS.—A public housing agency may use financial assistance received under subsection (b) only—

"(1) to undertake activities described in its approved comprehensive plan under subsection (c) or its annual statement under subsection (e);

"(2) to correct conditions that constitute an immediate threat to the health or safety of tenants, whether or not the need for such correction is indicated in its comprehensive plan or annual statement;

"(3) to prepare a comprehensive plan under subsection (c), including reasonable costs that may be necessary to assist tenants in participating in the planning process in a

meaningful way, an annual statement under subsection (e), an annual performance and evaluation report under subsection (f)(1), and an audit under subsection (f)(3); and

"(4) to operate public housing projects consistent with the requirements that apply to amounts provided under section 9, except that not more than 20 percent of the funds secured under this section may be used for such purposes.

"(h) ALLOCATION OF ASSISTANCE.—The system for allocating assistance under section 14 in effect on May 21, 1985, shall remain in effect until the Congress, by law, establishes criteria for a formula or other allocation method to be used by the Secretary under this section in determining—

"(1) for each public housing agency, the amounts that are necessary to address current needs for capital improvements;

"(2) for each public housing agency, the amounts that are necessary to address the future needs for capital improvements through a replacement reserve; and

"(3) the relative needs of public housing agencies of different sizes for the amounts described in paragraphs (1) and (2).

"(i) ANNUAL REPORT.—The Secretary shall include in the annual report under section 8 of the Department of Housing and Urban Development Act a description of the allocation, distribution, and use of assistance under this section on a regional basis.

"(j) AUTHORIZATION OF APPROPRIATIONS.—

"(1) CURRENT NEEDS.—

"(A) There are authorized to be appropriated under this section to provide assistance for the current needs for capital improvements of public housing agencies such sums as may be provided in appropriation Acts for fiscal years 1987, 1988, and 1989.

"(B) Of the amounts appropriated under subparagraph (A), 3 percent shall be reserved by the Secretary to provide assistance to correct conditions in public housing agencies that constitute an immediate threat to the health or safety of tenants.

"(2) REPLACEMENT RESERVE.—There are authorized to be appropriated under this section to provide assistance for the future needs for capital improvements in replacement reserves for public housing agencies such sums as may be provided in appropriation Acts for fiscal years 1987, 1988, and 1989.

"(3) AVAILABILITY.—Any amount appropriated under this subsection shall remain available until expended.

"(k) REGULATIONS.—The Secretary may issue such regulations as are necessary to carry out the provisions of this section.".

(d) USE OF OPERATING ASSISTANCE.—Section 9(a)(1) of the United States Housing Act of 1937 is amended by inserting after the first sentence the following new sentence: "A public housing agency may also use any available amounts provided under this section in accordance with the purpose and requirements of section 20.".

(e) ASSISTANCE FOR PREPARATION OF COMPREHENSIVE PLANS.—Of the amounts approved in appropriation Acts for fiscal year 1986 for financial assistance under section 14 of the United States Housing Act of 1937, the Secretary shall provide such sums as may be reasonable and necessary to public housing agencies that request funds to prepare comprehensive plans under section 20(c) of the United States Housing Act of 1937, as added by this section.

(f) APPLICABILITY.—

(1) IN GENERAL.—The amendments made by subsections (c) and (d) shall be applicable in fiscal year 1987 and succeeding fiscal years, but in no event before the date of the enactment of the law referred to in section 20(h) of the United States Housing Act of 1937, as added by this section. Except as provided in paragraph (2), the provisions of section 14 of the United States Housing Act of 1937 shall continue to apply to amounts appropriated for any prior fiscal year to carry out such section 14.

(2) TRANSITION PROVISION.—Any amount obligated by the Secretary of Housing and Urban Development to a public housing agency under section 14 of the United States Housing Act of 1937 from amounts appropriated for any fiscal year beginning on or before the date of the enactment of the law referred to in section 20(h) of the United States Housing Act of 1937, as added by this section, shall be used for the purposes for which such amount was provided, or for purposes consistent with a comprehensive plan submitted by the public housing agency and approved by the Secretary under such section 20 as added by this section, as the public housing agency considers appropriate.

Subtitle B—Multifamily Housing Management and Preservation

SEC. 221. MANAGEMENT AND PRESERVATION OF HUD-OWNED MULTIFAMILY HOUSING PROJECTS.

(a) GOALS.—Section 203(a) of the Housing and Community Development Amendments of 1978 is amended by striking "(a)" and all that follows through the semicolon at the end of paragraph (1) and inserting the following:

"(a) The Secretary of Housing and Urban Development (in this section referred to as the 'Secretary') shall manage and dispose of multifamily housing projects that are owned by the Secretary, or whose mortgages are delinquent or subject to a workout agreement and whose mortgages are held by, assigned to, or being foreclosed upon by the Secretary, in a manner that is consistent with the National Housing Act and this section and that will, in the least costly fashion among the reasonable alternatives available, further the goals of—

"(1) preserving so that they are available to and affordable by low- and moderate-income persons—

"(A) all units in multifamily housing projects that are formerly subsidized projects;

"(B) in multifamily housing projects owned by the Secretary, at least the units that are occupied by low- and moderate-income persons or vacant; and

"(C) in all other multifamily housing projects, at least the units that are, on the date of assignment, occupied by low- and moderate-income persons;".

(b) MANAGEMENT SERVICES.—Section 203(b)(2) of the Housing and Community Development Amendments of 1978 is amended by striking ", owned by the Secretary" and inserting "to which subsection (a) applies".

(c) MAINTAINING OF PROJECTS.—Section 203(c) of the Housing and Community Development Amendments of 1978 is amended to read as follows:

"(c) The Secretary shall—

"(1) to the greatest extent possible, maintain all occupied multifamily housing projects to which subsection (a) applies in a decent, safe, and sanitary condition;

"(2) to the greatest extent possible, maintain full occupancy in all such projects; and

"(3) maintain all such projects for purposes of providing rental or cooperative housing for the longest feasible period.".

(d) FINANCIAL ASSISTANCE.—Section 203 of the Housing and Community Development Amendments of 1978 is amended—

(1) by redesignating subsections (d) through (g) as subsections (e) through (h), respectively; and

(2) by inserting after subsection (c) the following new subsection:

"(d) In carrying out the goals specified in subsection (a)(1) the Secretary shall take 1 or both of the following actions:

"(1) Enter into contracts under section 8 of the United States Housing Act of 1937, to the extent budget authority is available for such section 8, with owners of multifamily housing projects that are acquired at foreclosure or after sale by the Secretary. Such contracts shall be attached to the project involved for a period of not less than 15 years. Such contracts shall be sufficient to assist all units that are occupied by lower income families eligible for assistance under such section 8 at the time of foreclosure or sale, as the case may be, and all units that are vacant at such time (which units shall be made available for such families as soon as possible). In order to make available to families any units in formerly subsidized projects that are occupied by persons not eligible for assistance under such section 8, but that subsequently become vacant, the contract shall also provide that when any such vacancy occurs the owner involved shall apply to the Secretary for additional assistance to the project involved under the same terms as the original assistance. The Secretary shall provide such contracts at contract rents that, consistent with subsection (a), provide for the rehabilitation of such project and do not exceed the most recently adjusted fair market rents for substantially rehabilitated units published by the Secretary in the Federal Register.

"(2) In accordance with the authority provided under the National Housing Act, provide purchase-money mortgages, reduce the selling price, or provide other financial assistance to the owners of multifamily housing projects that are acquired at foreclosure or after sale by the Secretary on terms that will ensure that, for a period of not less than 15 years (A) the project will remain available to and affordable by low- and moderate-income persons; and (B) such persons shall pay not more than the amount payable as rent under section 3(a) of the United States Housing Act of 1937.".

(e) DISPLACEMENT PROTECTION.—Section 203(e)(1) of the Housing and Community Development Amendments of 1978, as so redesignated in this section, is amended by inserting "or controlled" after "owned".

(f) LIMITATIONS ON CERTAIN LOAN AND MORTGAGE SALES.—Section 203 of the Housing and Community Development Amendments of 1978 is amended—

(1) by redesignating subsections (g) and (h), as so redesignated in this section, as subsections (h) and (i); and

(2) by inserting before such subsection (h) the following new subsection:

"(g) The Secretary may not approve the sale of any loan or mortgage held by the Secretary on any formerly subsidized project unless such sale is made as part of a transaction that will ensure that such project will continue to operate at least until the maturity date of such loan or mortgage in a manner that will provide rental housing on terms at least as advantageous to existing and future tenants as the terms required by the program under which the loan or mortgage was made or insured

prior to the assignment of the loan or mortgage on such project to the Secretary.".

(g) FORMERLY SUBSIDIZED PROJECTS.—Section 203(h) of the Housing and Community Development Amendments of 1978, as so redesignated in this section, is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end the following new paragraph:

"(2) For the purpose of this section, the term 'formerly subsidized project' means a multifamily housing project receiving any of the following assistance immediately prior to the assignment of the mortgage on such project to, or the acquisition of such mortgage by, the Secretary:

"(A) below market interest rate mortgage insurance under the proviso of section 221(d)(5) of the National Housing Act;

"(B) interest reduction payments made in connection with mortgages insured under section 236 of the National Housing Act;

"(C) rent supplement payments under section 101 of the Housing and Urban Development Act of 1965;

"(D) direct loans at below market interest rates, made under section 202 of the Housing Act of 1959 or section 312 of the Housing Act of 1964; or

"(E) housing assistance payments made under section 23 of the United States Housing Act of 1937 (as in effect before January 1, 1975) or section 8 of the United States Housing Act of 1937 (other than subsection (b)(1) of such section).".

SEC. 222. ACQUISITION OF INSURED MULTIFAMILY HOUSING PROJECTS.

Section 207(k) of the National Housing Act is amended by inserting after the second sentence the following new sentence: "In determining the amount to be bid, the Secretary shall act consistently with the goal established in section 203(a)(1) of the Housing and Community Development Amendments of 1978.".

SEC. 223. TENANT PARTICIPATION IN MULTIFAMILY HOUSING PROJECTS.

(a) APPLICABILITY.—Section 202(a) of the Housing and Community Development Amendments of 1978 is amended by inserting before the period at the end the following: "or section 202 of the Housing Act of 1959".

(b) NOTICE AND COMMENT.—Section 202(b)(1) of the Housing and Community Development Amendments of 1978 is amended—

(1) by striking "or" the third place it appears;

(2) by inserting after "alterations," the following: "transfer of physical assets, or application for capital improvements loan,"; and

(3) by striking "and the Secretary deems it appropriate" and inserting the following: "or where the Secretary proposes to sell a mortgage secured by a multifamily housing project".

(c) NONDISCRIMINATION AGAINST SECTION 8 CERTIFICATE HOLDERS.—Section 202(b)(2) of the Housing and Community Development Amendments of 1978 is amended by inserting before the semicolon at the end the following: ", and such owners may not refuse to lease any vacant dwelling unit in the project that rents for an amount not greater than the fair market rent for a comparable unit, as determined by the Secretary under section 8 of the United States Housing Act of 1937, to a holder of a certificate of eligibility under such section solely because of the status of such prospective tenant as a holder of such certificate".

Subtitle C—Other Housing Assistance Programs

SEC. 241. HOUSING FOR THE ELDERLY AND HANDICAPPED.

The first sentence of section 202(a)(4)(B)(i) of the Housing Act of 1959 is amended—

(1) by striking "and" the first place it appears; and

(2) by inserting after "1984," the following: "and to such sums as may be approved in appropriation Acts for fiscal years 1986 and 1987,".

SEC. 242. HOUSING FOR THE HANDICAPPED.

(a) FINDINGS AND PURPOSE.—

(1) The Congress hereby finds that—

(A) housing for nonelderly handicapped families is assisted under section 202 of the Housing Act of 1959 and section 8 of the United States Housing Act of 1937;

(B) the housing programs under such sections are designed and implemented primarily to assist rental housing for elderly and nonelderly families and are often inappropriate for dealing with the specialized needs of the physically impaired, the developmentally disabled, and the chronically mentally ill;

(C) the development of housing for nonelderly handicapped families under such programs is often more expensive than necessary, thereby reducing the number of such families that can be assisted with available funds;

(D) the program under section 202 of the Housing Act of 1959 can continue to provide direct loans to finance group residences and independent apartments for nonelderly handicapped families, but can be made more efficient and less costly by the adoption of standards and procedures applicable only to housing for such families;

(E) the use of the program under section 8 of the United States Housing Act of 1937 to assist rentals for housing for nonelderly handicapped families is time consuming and unnecessarily costly and, in some areas of the Nation, prevents the development of such housing;

(F) the use of the program under section 8 of the United States Housing Act of 1937 to assist rentals for housing for nonelderly handicapped families should be replaced by a more appropriate subsidy mechanism;

(G) both elderly and handicapped housing projects assisted under section 202 of the Housing Act of 1959 will benefit from an increased emphasis on supportive services and a greater use of State and local funds; and

(H) an improved program for nonelderly handicapped families will assist in providing shelter and supportive services for mentally ill persons who might otherwise be homeless.

(2) The purpose of this section is to improve the direct loan program under section 202 of the Housing Act of 1959 to ensure that such program meets the special housing and related needs of nonelderly handicapped families.

(b) HOUSING FOR HANDICAPPED FAMILIES.—

(1) Section 202(h) of the Housing Act of 1959 is amended to read as follows:

"(h)(1) Of the amounts made available in appropriation Acts for loans under subsection (a)(4)(C) for any fiscal year commencing after September 30, 1985, not less than 15 percent shall be available for loans for the development costs of housing for handicapped families. If the amount required for any such fiscal year for approvable applications for loan under this subsection is less than the amount available under this paragraph, the balance shall be made available for loans under other provisions of this section.

"(2) The Secretary shall take such actions as may be necessary to ensure that—

"(A) funds made available under this subsection will be used to support a variety of methods of meeting the needs primarily of nonelderly handicapped families by providing a variety of housing options, ranging from small group homes to independent living complexes; and

"(B) housing for handicapped families assisted under this subsection will provide families occupying units in such housing with an assured range of services specified in subsection (f), will provide such families with opportunities for optimal independent living and participation in normal daily activities, and will facilitate access by such families to the community at large and to suitable employment opportunities within such community.

"(3)(A) In allocating funds under this subsection, and in processing applications for loans under this section and assistance payments under paragraph (4), the Secretary shall adopt such distinct standards and procedures as the Secretary determines appropriate due to differences between housing for handicapped families and other housing assisted under this section.

"(B) The Secretary may, on a demonstration basis, determine the feasibility and desirability of reducing processing time and costs for housing for handicapped families by limiting project design to a small number of prototype designs. Any such demonstration shall be limited to the 3-year period following the date of the enactment of the Housing Act of 1986, may only involve projects whose sponsors consent to participation in such demonstration, and shall be described in a report submitted by the Secretary to the Congress following completion of such demonstration.

"(4)(A) The Secretary shall, to the extent approved in appropriation Acts, enter into contracts with owners of housing for handicapped families receiving loans under, or meeting the requirements of, this section to make monthly payments to cover any part of the costs attributed to units occupied (or, as approved by the Secretary, held for occupancy) by lower income families that is not met from project income. The annual contract amount for any project shall not exceed the sum of the initial annual project rentals for all units and any initial utility and services allowances for such units, as approved by the Secretary. Any contract amounts not used by a project in any year shall remain available to the project until the expiration of the contract. The term of a contract entered into under this subparagraph shall be 240 months. The annual contract amount may be adjusted by the Secretary if the sum of the project income and the amount of assistance payments available under this subparagraph are inadequate to provide for reasonable project costs. In the case of an intermediate care facility in which there reside families assisted under title XIX of the Social Security Act, project income under this subparagraph shall include the same amount as if such families were being assisted under title XVI of the Social Security Act.

"(B) The Secretary shall approve initial project rentals for any project assisted under this subsection based on the determination of the Secretary of the total actual necessary and reasonable costs of developing and operating the project, taking into consideration the need to contain costs to

the extent practicable and consistent with the purposes of the project and this section.

"(C) The Secretary shall require that, during the term of each contract entered into under subparagraph (A), all units in a project assisted under this subsection shall be made available for occupancy by lower income families, as such term is defined in section 3(b)(2) of the United States Housing Act of 1937. The rent payment required of a lower income family shall be determined in accordance with section 3(a) of such Act, except that the gross income of a family occupying an intermediate care facility assisted under title XIX of the Social Security Act shall be the same amount as if the family were being assisted under title XVI of the Social Security Act.

"(D) The Secretary shall coordinate the processing of an application for a loan for housing for handicapped families under this section and the processing of an application for assistance payments under this paragraph for such housing.".

(2) Section 202(d) of the Housing Act of 1959 is amended by adding at the end the following new paragraphs:

"(9) The term 'housing for handicapped families' means housing and related facilities to be occupied by handicapped families who are primarily nonelderly handicapped families.

"(10) The term 'nonelderly handicapped families' means elderly or handicapped families, the head of which (and spouse, if any) is less than 62 years of age at the time of initial occupancy of a project assisted under this section.".

(3) Section 202(c)(3) of the Housing Act of 1959 is amended by inserting after "section" the following: "and designed for dwelling use by 12 or more elderly or handicapped families".

(c) SUPPORTIVE SERVICES FOR ELDERLY AND HANDICAPPED FAMILIES.—Section 202(f) of the Housing Act of 1959 is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end the following new paragraph:

"(2) Each applicant for a loan under this section for housing and related facilities shall submit with the application a supportive services plan describing—

"(A) the category or categories of families such housing and facilities are intended to serve;

"(B) the range of necessary services to be provided to the families occupying such housing;

"(C) the manner in which such services will be provided to such families; and

"(D) the extent of State and local funds available to assist in the provision of such services.".

(d) TERMINATION OF SECTION 8 ASSISTANCE.—On and after the first date that amounts approved in an appropriation Act for any fiscal year become available for contracts under section 202(h)(4)(A) of the Housing Act of 1959, as amended by subsection (b) of this section, no project for handicapped (primarily nonelderly) families approved for such fiscal year pursuant to section 202 of such Act shall be provided assistance payments under section 8 of the United States Housing Act of 1937, except pursuant to a reservation for a contract to make such assistance payments that was made before the first date that amounts for contracts under such section 202(h)(4)(A) became available.

(e) IMPLEMENTATION.—Not later than the expiration of the 120-day period following the date of the enactment of this Act, the Secretary of Housing and Urban Development shall, to the extent amounts are approved in an appropriation Act for use under section 202(h)(4)(A) of the Housing Act of 1959 for fiscal year 1986, publish in the Federal Register a notice of fund availability to implement the provisions of, and amendments made by, this section. The Secretary shall issue such rules as may be necessary to carry out such provisions and amendments for fiscal year 1987 and thereafter.

(f) EFFECTIVE DATE AND APPLICABILITY.—

(1) Except as otherwise provided in this section, the provisions of, and amendments made by, this section shall not apply with respect to projects with loans or loan reservations made under section 202 of the Housing Act of 1959 before the implementation date under subsection (e).

(2) Notwithstanding paragraph (1), the Secretary may apply the provisions of, and amendments made by, this section to any project in order to facilitate the development of such project in a timely manner.

SEC. 243. SECTION 235 HOMEOWNERSHIP PROGRAM.

The second sentence of section 235(h)(1) of the National Housing Act is amended—

(1) by striking "and" the last place it appears; and

(2) by inserting before the period at the end the following: ", and by such sums as may be approved in appropriation Acts for fiscal years 1986 and 1987".

SEC. 244. CONGREGATE SERVICES.

Section 411(a)(6) of the Congregate Housing Services Act of 1978 is amended by inserting before the comma the following: "and fiscal years 1986 and 1987".

AMENDMENT OFFERED BY MR. GONZALEZ

Mr. GONZALEZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GONZALEZ:

Page 73, after line 7, insert the following new section (and conform the table of contents accordingly):

SEC. 213. APPLICABILITY OF COMPARABILITY LIMITATION ON RENT ADJUSTMENTS IN CERTAIN PROJECTS ASSISTED UNDER SECTION 8.

(a) IN GENERAL.—The comparability limitation established under section 8(c)(2) of the United States Housing Act of 1937 on adjustments in the maximum monthly rents that may be charged under housing assistance payments contracts entered into under such section 8 shall not apply to the 122 projects assisted under such section 8 and developed and managed before March 1, 1985, by the Oregon Housing Division of the Oregon Department of Commerce.

(b) EXPIRATION.—The provisions of subsection (a) shall expire on whichever of the following occurs first:

(1) The date on which the Secretary of Housing and Urban Development and the Administrator of the Oregon Housing Division enter into an agreement on the comparability requirements that will apply to the projects described in subsection (a).

(2) The expiration of the 18-month period beginning on the date of the enactment of this Act.

Mr. GONZALEZ (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GONZALEZ. Mr. Chairman, it has come to the subcommittee's attention that due to a virtual catch-22 situation 122 projects in the State of Oregon financed by the State finance agency and receiving section 8 assistance were delayed in receiving any rental adjustment since as far back as 1982. An investigation of this matter shows that the issue hinges on the requirement in law that calls for comparables. The basis for such comparables and the standards used were not adaptable to these projects for a host of reasons. HUD finally agreed to allow the rental adjustments due these projects up to February 6, 1986. After this date however, no future resolution to the comparability issue has yet been agreed to, so we are back to "square one." The amendment I am offering would waive the comparability requirement for only these projects until HUD and the State work out an acceptable comparability resolution but not later than 18 months from the date of enactment. This will permit the rental adjustment due such projects during that period to be made without further endangering their viability.

I urge that this amendment be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. GONZALEZ].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BARTLETT

Mr. BARTLETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BARTLETT:

Page 47, after line 2, insert the following new section (and redesignate the subsequent sections and any references to such sections, and conform the table of contents, accordingly):

SEC. 204. LIMITATION OF PUBLIC HOUSING DEVELOPMENT AND ASSURANCE OF PUBLIC HOUSING QUALITY STANDARDS.

Section 5 of the United States Housing Act of 1937 is amended by adding at the end the following new subsection:

"(j)(1) After the date of the enactment of the Housing Act of 1986, the Secretary may not make a funding reservation for a public housing agency for assistance in financing the development of public housing (other than for Indian families) unless—

"(A) the Secretary determines that additional amounts are required to complete the development of dwelling units for which amounts are obligated on or before such date;

"(B) for any fiscal year after fiscal year 1986, the public housing agency certifies to the Secretary that 90 percent of the public housing dwelling units of such agency are maintained at levels at least equal to the housing quality standards established by the Secretary under section 8(o)(6); or

"(C) the Secretary determines that such development is required to replace dwelling

units that are disposed of or demolished by the public housing agency.

"(2) Any budget authority that is provided in appropriation Acts before the date of the enactment of the Housing Act of 1986, and is prohibited from obligation by reason of the provisions of paragraph (1), is authorized to be made available by appropriation Acts for fiscal year 1986 or 1987 for comprehensive improvement assistance under section 14 or 20 (in addition to other budget authority provided for such purpose under subsection (c)) and to remain available until utilized.".

Mr. BARTLETT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

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Mr. BARTLETT. Mr. Chairman, I offer an amendment today that would help to improve the lives of current and future tenants of public housing living in this country. This is a bipartisan amendment supported by a rather large number of Members on both sides of the aisle, an amendment that is supported on a nationwide basis by Members from throughout the country. It seems to me this amendment goes to the heart of the need to improve the living conditions of public housing in this country. Reduced to its basics, this amendment would accomplish the following: It would set as the policy of this Congress and of this Government that we would establish our priority of the need to repair those public housing units that we currently have before we build the new ones. There are today 459,000 units of public housing that are in need of repair, in excess of $5,000, per unit. Many of those units are vacant and uninhabitable. One hundred and fifty thousand of those units, or one-third, are in a severe state of disrepair. Other units are occupied but nevertheless uninhabitable and not up to any standard of decent, safe, sanitary living. That 459,000 amounts to some 36 percent of the public housing stock of this country.

This amendment would establish a priority of the U.S. Congress for the 1980's, and that priority is the same priority as that expressed by tenants, by local government, by public housing authority managers and trustees: That is that we ought to get on about the job of repairing and rehabilitating existing units. The fact is we can repair more units for more low-income families, we can do it faster, less disruptive, at a lower per-unit cost and provide better living conditions for those families with the same amount of money that we could build new units. This amendment establishes a priority in two steps: First, for fiscal year 1986, for the balance of this year that ends on September 30, we would say that new units would be constructed only in two cases, first to replace those that are required to be replaced under demolition and disposition and, second, to finish units which have already been started but which are underfunded.

Beginning on October 1, 1987, and beyond, it would keep those two criteria and add a third criterion. That is, a public housing authority would be eligible for new construction only when they have funded 90 percent of their public housing up to standard. The result is to emphasize repair and modernization which is an emphasis that the tenants tell us is needed but the Government has stood in the way.

The second part of the amendment establishes what we would do with the money that for fiscal year 1986 has been appropriated but is unobligated for new construction. HUD estimates that amount is approximately $860 million. It would authorize a one-time shot in the arm for fiscal year 1986 or fiscal year 1987, and those funds would continue to be authorized until they are spent. Those funds would be in addition to other funds which may be provided in the future for repair and modernization on the regular budget.

I want to say to my colleagues that I will personally appear before the Appropriations Committee and before the floor of this House to urge that it is the will of the House that that $860 million, or whatever amount it turns out to be, be used as additional funds for repair of public housing.

The need, Mr. Chairman, is enormous. I would point out on this chart that 459,000, or 36 percent, of all units require some sort of repair of at least $5,000; 37,000 of those units are in need of repair of at least $25,000. The vacancy rate in larger cities, larger cities around the country, is absolutely astounding: Boston, 19 percent; Newark, 34 percent; Dallas, 27 percent; Detroit, 23 percent; San Francisco, 11.4 percent; St. Louis, 9.9 percent; Atlanta, 9.5 percent.

This priority is reflected in what people who are living in public housing would tell you, and I hope that every office, every congressional office has called both public housing residents and public housing authorities to ask them this question: "If you had $860 million in public housing funds to spend for capital improvements, would you spend it to construct new units or to repair existing units?" The impact of that decision which we make today will be felt throughout the country. The impact is reflected in how many units that we can build with the $860 million. We can construct 4,600 new units, we can repair far more existing ones.

The CHAIRMAN. The time of gentleman from Texas [Mr. BARTLETT] has expired.

(On request of Mr. KOLBE and by unanimous consent Mr. BARTLETT was allowed to proceed for 5 additional minutes.)

Mr. BARTLETT. The impact on lives for these decisions would be enormous. We can with that amount of money for fiscal year 1986 build 4,600 units around the country, an average of 10 per congressional district. Or we can repair 27,700 units that are virtually uninhabitable, or we can repair 64,300 units of units that need moderate repair in order to bring them up to standard.

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. I would be glad to yield to the gentleman from Arizona.

Mr. KOLBE. I thank the gentleman for yielding.

Mr. Chairman, the gentleman gave us some figures on the vacancy rates in various cities. Does the gentleman have any idea to what extent those vacancy rates are due to the fact that the units are uninhabitable? Does the gentleman know how many in fact are because of the need for repairs and simply cannot be occupied?

Mr. BARTLETT. It varies from city to city.

There are two needs for repair and modernization. The first is those units in many cities, and I include Boston, Newark, Detroit, Dallas, Atlanta, others of the larger cities, many in the large cities cannot be occupied. It varies from city to city. When you have a vacancy rate that is above the norm, it is generally due to those units being uninhabitable. So it varies from city to city.

Mr. KOLBE. Is it significantly more than the 27,000 units that this $860 million would buy?

Mr. BARTLETT. Oh, yes; the total need is 150,000 in need of substantial repair. That is to say, if they are inhabited—they are virtually uninhabitable but if they are occupied they are not up to any sense of standard. If we can repair 27,000 with this $860 million, that would help but it does not meet the need. It does better than what we are doing now.

Mr. KOLBE. One further observation if the gentleman will allow. So with this $860 million with reprogramming or reallocating here, we could provide housing for approximately six times as many, even if you keep it just for those that are uninhabitable now, in severe need, we could provide housing for six times as many people as we could by putting all this money into new housing.

Mr. BARTLETT. The gentleman is correct. And that is what the residents of public housing will tell you. This amendment came from residents of

public housing who said our priority is repair and making habitable those units that are uninhabitable.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I compliment the gentleman for offering this amendment.

In partial response to the question the distinguished gentleman asked: In St. Petersburg, FL, there are a lot of public housing units that are really uninhabitable. They should not be lived in but they were because the residents had nowhere else to go. Because of the support from HUD and from the gentleman in the well, we were able to get emergency funding and are now in the processes of making those units livable.

I think the gentleman points out there are some 70,000 units throughout the country that are in that condition or worse that could be made available for people to live in. I compliment the gentleman for his very strong effort in the program of modernization.

Mr. Chairman, I rise in support of the amendment offered by my colleague from Texas and want to commend the gentleman for his leadership in providing for the modernization needs of our Nation's public housing stock.

It is estimated that as many as 70,000 public housing units throughout our country stand vacant because they are in such disrepair that they are uninhabitable. According to information provided to me by the Department of Housing and Urban Development, several of our Nation's largest public housing authorities report that 20 to 30 percent of their units are unoccupied because they are so rundown.

Clearly we need to shift the emphasis of our public housing programs away from the construction of new units and concentrate instead on repairing and cleaning up existing units that the American taxpayers have already bought. My colleague Mr. BARTLETT's amendment does not shut off entirely new construction. His amendment provides the authorization for funds to complete previously obligated units, to replace units that have been lost through demolition and disposition, and for new construction when a housing authority certifies that more than 90 percent of its existing units either meet or are in the process of being repaired to meet minimum Federal health and safety standards.

This amendment would have an almost immediate impact on the modernization needs of public housing authorities by raising this year's authorization level for the program by $860 million. This would enable the Secretary of Housing and Urban Development to transfer to the modernization account those funds for fiscal year 1986 new construction that remain uncommitted. This would double the amount of funding available this year for modernization projects and will enable our Nation to begin in earnest a program to rehabilitate large numbers of vacant public housing units.

Cleaning up and repairing our existing public housing stock is not only less costly than the construction of new units and more efficient because it makes additional housing available in a shorter period of time, but most importantly, it is more compassionate to those low-income, elderly, and handicapped families who depend upon public housing. While there are more than 70,000 units that are in such deplorable condition that they are uninhabitable, there is an untold number of families living in units that are on the verge of becoming uninhabitable.

Last fall I inspected the Laurel Park Housing complex in St. Petersburg, FL, and found that many of the 168 families I represent there lived in apartments that were infested by rats or have water leaking from second floor bathrooms through the ceilings to kitchens below. With the help of HUD, I was able to secure emergency modernization funding so that repair work could begin there earlier this year. Laurel Park, and other housing projects throughout our Nation, will need additional modernization funds to make repairs that are not of an emergency nature but are necessary to prevent living conditions from deteriorating to the point where they threaten the health and safety of tenants.

The amendment offered by my colleague from Texas takes into account our need for immediate and longer term programatic changes that are necessary so that we can commit ourselves to a policy of repairing our Nation's existing public housing stock and improving the standard of living for thousands of low-income, elderly, and handicapped families.

Mr. GARCIA. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. I yield to the gentleman from New York.

Mr. GARCIA. I thank the gentleman for yielding.

Well, let me ask a question because what the gentleman says to the viewing audience I am sure sounds very good and very practical. The moneys the gentleman is talking about here for rehabilitation are new moneys or moneys being substituted from another pot for rehabilitation?

Mr. BARTLETT. I thank the gentleman for his question. Of course, my remarks are to the floor of the House under the rules. What a rather large number of Members on the floor here because of the interest throughout the country in this amendment. The $860 million approximately would be authorized to be spent from those funds that are currently appropriated but unobligated in the new construction portion of the fiscal year 1986 budget.

We are almost through the year. It is my judgment, and I cannot guarantee or verify it, that this money would likely not be spent anyway. But I would guarantee that if it is spent, it could be spent much better by helping more people by spending it on repair and modernization. That is the whole point. It is time for this Congress to establish priority to break the status quo, break the cycle of those uninhabitable vacant, or oftentimes uninhabitable but occupied units and repair those existing units. It is time to establish that as a priority, and this is the mechanism to do it.

Mr. GARCIA. The approach of the gentleman on the floor is a very calming approach, and the gentleman's manner in presenting this particular amendment leaves people with the impression that what we are doing here—and I agree that we need those moneys to rehab and to further improve the lives of persons presently living in public housing—but what my colleague should also state is that over the last several housing bills that we have had in various Congresses that the gentleman and I have participated in, that he consistently over the years has looked to cut back on new construction. By doing what he is doing here, he is going to eliminate from this bill all new housing construction under this present bill that we are considering.

Mr. BARTLETT. Well, reclaiming my time, the gentleman is incorrect.

I will say to the gentleman that I am not a proponent of new construction of public housing per se because it does not help.

The CHAIRMAN. The time of the gentleman from Texas [Mr. BARTLETT] has again expired.

(On request of Mr. GARCIA and by unanimous consent Mr. BARTLETT was allowed to proceed for 2 additional minutes.)

Mr. BARTLETT. New construction does not help as many people as we can help using repair and modernization. But I am not here opposing new construction. I am here suggesting we ought to reprioritize, do something this Congress has never done in a housing bill, to adjust our thinking to the reality of the 1980's by setting a priority for fiscal year 1986 and fiscal year 1987 on repair and modernization. This amendment does not eliminate new construction. This amendment says that there are three criteria which would have to be met in order to build new construction for the future.

First, to replace those that are lost through demolition or disposition. Second, continue those underfunded but under construction. And third, in the case of a public housing authority that has 90 percent of its units already up to standard. I think that is a reasonable approach. It does not eliminate new construction but it does say to tenants of public housing that we are not in favor of your continuing to live in indecent, unsafe and unsanitary conditions.

Mr. GARCIA. Will my colleague yield?

Mr. BARTLETT. I yield to the gentleman from New York.

Mr. GARCIA. I would say to my colleague from Texas that I hope nobody

is really fooled by his very calm approach to this amendment because what is going to develop out of this amendment is that we will find ourselves, and on my own time I will give some figures and statistics as it deals in opposition with your amendment—but I just want to make it very clear that I hope nobody who is watching this thinks for one moment—I would support everything that you have said in terms of rehabbing and going forward with a program that makes sense in terms of helping those public housing projects that are presently functioning; but I will not do it by eliminating new construction which is so sorely needed. I think that is really the crux of this amendment. It is either one or the other, it is not both.

You can term it, you can say anything you like, but the bottom line is, it is either one or the other.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair will remind Members that references to the television audience viewing the televised coverage of the proceedings on the floor are not in order under the House rules. Debate should be directed to the Chair and through the Chair to the Members on the floor and not to the public watching the proceedings by television.

Mr. WYLIE. Mr. Chairman, I move to strike the last word, and I rise in favor of the amendment.

Mr. Chairman, Mr. BARTLETT has worked very, very hard on this amendment, and I think he deserves to be complimented for the ingenious approach which he has taken in providing new public housing units, in effect, at a much lower cost than they would be provided if in fact they were the result of new construction.

Mr. Chairman, I rise in support of the limitation on public housing development and assurance of public housing quality standards amendment to H.R. 1. The amendment would authorize the HUD Secretary to obligate new construction for development only in three cases.

First, for the completion of development units obligated in prior years which require additional funds; or

Second, for the replacement of those units lost through demolition and disposition which the Secretary certifies that new construction is required to provide that replacement; or

Third, when the public housing agency certifies to the Secretary that 90 percent of their public housing dwelling units are maintained at levels at least equal to the housing quality standards.

The first two cases would take effect in fiscal year 1986 and the development funds not used for these cases would be available for modernization funding in fiscal years 1986 and 1987. All three cases would apply in fiscal year 1987 and subsequent years.

In a time of increasing Federal deficits, scarce Federal resources must be allocated to the most significant priorities. The most pressing need in public housing today is to repair and modernize currently available public housing units. The limited funds available for spending on public housing will have the greatest impact if used for bringing vacant units on line and providing relief for public housing tenants living in substandard units. It is not sensible to build new units when the current stock, in many cases, is in dire need of rehabilitation. Public housing authorities should focus resources on repairing current units rather than building new ones. This amendment would in effect require them to put their house in order management-wise before being awarded new units. The most effective way to increase the number of standard units for public housing residents is to maximize repair and modernization funds. I urge my colleagues' support for Mr. BARTLETT's excellent amendment.

□ 1305

Mr. GARCIA. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I would just like to state, getting back to my discussion before with the author of this amendment, that I think there really and truly is a false idea when we start to think that new housing construction is not needed for low-income people.

NAHRO, which is the National Association of Housing and Rehabilitation, estimates that upward of 350,000 low-income units are lost each year to demolition, conversion, or to rent increases. This means that we just need units to keep up.

In my city alone, the city of New York, we have approximately 150,000 housing units and we have a turnover rate of about 3 percent yearly, which is, I guess, 4,000 to 5,000 units per year. The waiting list to get into public housing in the city of New York is 200,000 families; 200,000 families are waiting just to get into public housing in New York.

Based upon that figure, it will take us approximately 30 years just to fulfill the needs of the city of New York.

It just seems to me that, while I have no argument with rehabilitating and using money for rehabilitation, I just have a great deal of concern when you look at the figures and the statistics based on housing construction over the last 10 years.

When you go back to 1977, there were 57,000 units. When you go back to 1979, there were 55,000 units. In 1980, there were 36,000 units. In 1981, there were 23,000 units. In 1982, there were 5,000 units. And in 1983, we went minus 6,000 units. Last year, we went back to 5,000 units.

I have a great deal of difficulty, I have to admit sometimes, understanding some of the agricultural problems that my colleagues may have from the farm States, because I am from the city. And I know that there are sometimes other issues that I may not be as clear as I should be. But I would just hope that my colleagues who today are going to be voting on this legislation would have an opportunity to go into some of the cities. Come in to New York City. I invite any one of my colleagues who would really like to see the problems that we are facing based on our housing needs.

There are people here who say we should cut the budget and cut the deficit, that we cannot go along with these programs. You know, from your neck of the woods, maybe that is OK. But from where I come from, that is really not OK, because there are people in dire need.

I ask my colleagues, unsolicited and on your own, if one day you happen to be in New York City about 8 or 9 or 10 o'clock at night, go to Vanderbilt Avenue and 42d Street just outside of Grand Central Station and see the number of homeless people waiting for that station to close so that they can go in. Find a locker at Grand Central Station. If you happen to have a 1-hour or a 2-hour layover in New York City, find one locker where you would like to put your bag so that you can walk around the city. Find one locker. You cannot find it, and do you know why? Because all the homeless people are using those lockers as their home. That is where they keep their belongings.

This is the real America. This is the America that you and I who are true representatives of this country from different geographic areas should understand. I say that to you because it is hard for some of you to understand that. But I would like to think that many times I try to understand the problems of various parts of the country. As a member of the board of directors of this country, I believe it is my reponsibility.

I think that the gentleman from Texas [Mr. BARTLETT], in terms of this amendment, in terms of the renovation, I have no problem using money for that. But I will not take those moneys away from new construction which is sorely needed.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. BARTLETT, and by unanimous consent, Mr. GARICA was allowed to proceed for 2 additional minutes.)

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. GARCIA. I yield to the gentleman.

Mr. BARTLETT. Mr. Chairman, I thank the gentleman for yielding, and

I thank the gentleman for his comments.

Mr. Chairman, I would suggest to the gentleman that his district in New York and mine in Dallas, and the ones in Detroit and in Atlanta and in Boston and in Newark and other urban districts around this country do have one thing very clearly in common, and that is we have a lot of units of public housing in which people are living in those units, and those units are substandard. They are not up to standard living conditions. And this Congress has not yet made it a priority that those people would tell us that it would be a priority of repairing the units that we have to make them livable.

I have been involved in this, as the gentleman knows, in public housing and in trying to assist the residents of public housing to make their lives better since 1974 on the Dallas City Council, in Dallas as well as in the rest of the country.

I admire the gentleman from New York a great deal. But I would suggest that on this issue we have a lot more in common than we have apart. The residents of public housing would say that that is their priority. The managers, the local government and the people involved would say that is their priority.

All this amendment does is say that Congress will finally wake up to 1986 and not eliminate new construction, but make repair our priority.

Mr. GARCIA. Mr. Chairman, I would say to my colleague from Texas is the problem I have with the gentleman's statement is that historically on this floor the gentleman has been the leader in cutting back on new construction since the gentleman has been a Member of Congress. The gentleman may correct me if I am wrong.

Mr. BARTLETT. If the gentleman will yield, I will be happy to.

As a matter of fact, I have attended with Chairman GONZALEZ, whom I respect a great deal, virtually every hearing of the Housing Subcommittee since January 3, 1985. I have offered, sometimes with the gentleman's support and sometimes without it, amendments to improve the lives of tenants of public housing.

The last time on the appropriations bill I suggest that, as a matter of budgeting, we should agree that we should not——

The CHAIRMAN. The time of the gentleman from New York [Mr. GARCIA] has again expired.

(By unanimous consent, Mr. GARCIA was allowed to proceed for 2 additional minutes.)

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. GARCIA. I yield to the gentleman.

Mr. BARTLETT. I suggested, and the majority of the House agreed, that we should not attempt to build at a cost of a billion extra dollars a pittance of an additional 5,000 new units of public housing.

What I am suggesting today is that all the Members look at this amendment specifically and decide whether we want to adopt that priority. That is what this amendment does. It establishes a priority for repair and modernization.

□ 1315

If the gentleman would like someone else to offer the amendment so he could look at it——

Mr. GARCIA. If I just may reclaim my time, I want to make it very clear that the gentleman did not answer the question in terms of his amendments over the years whether he has offered amendments to cut back on new construction. The gentleman has answered, but not specifically to the question as it pertains to the gentleman's role in cutting back on new construction.

I think the record is there over the years, I guess, and I say that to the gentleman because he sounds very convincing here, he sounds as if this is the right thing to do. And I have no problem, as I have said, in terms of rehabilitating and helping those people who are in public housing today, but not at the cost of eliminating new construction.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield?

Mr. GARCIA. I yield to the gentleman from Texas.

Mr. GONZALEZ. I asked the gentleman to yield because my colleague from Texas, who I will say has been a very diligent member of the subcommittee, has been in very faithful attendance at hearings, markups, and that is something I deeply appreciate, however, I do not want to leave the impression by indirection, since he mentioned my name, and the insinuation was, in his attempt to reply to the question of the gentleman from New York [Mr. GARCIA], that I am a witness to the fact that he may not have been offering amendments to cut authorizations for new construction.

Well, the gentleman knows that he has. The gentleman knows that when we had the appropriation bill that he was the one who offered the amendment to cut in half what the Appropriations Committee had approved.

The CHAIRMAN. The time of the gentleman from New York [Mr. GARCIA] has expired.

(On request of Mr. GONZALEZ and by unanimous consent, Mr. GARCIA was allowed to proceed for 2 additional minutes.)

Mr. GONZALEZ. I would never question motives. I am sure the gentleman not only looks but he is sincere. I think he is grievously wrong, and I think that we should very much present the perspective of the sum total of action that would result if his amendment is accepted.

I am afraid that, given the record that he has shown of being totally against new construction, his case reminds me of the story of Abraham Lincoln, in which he told the story of this fellow who had murdered his parents and then he threw himself on the mercy of the court on the basis that he was an orphan.

We are talking about helping the poor. What we must never forget is that public housing is assisted housing and has one primary purpose, and the only functioning program our country has developed to house the poor. The poor is what we are talking about.

It just kind of hurts me to think that in the name of helping them, in reality, we are reducing the available stock of housing for the poor if we accept his amendment.

I thought we should clarify that.

Mr. FRANK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to say I do not think that this ought to be a referendum on the past history of the gentleman from Texas, whom I have enjoyed working with. I would say to him that if those on the Democratic side have any problem with his attendance at meetings of the Housing Subcommittee, it is not his lack of attendance that occasionally becomes a problem. But we do have a fundamental philosophical differences. Yes, we ought to be improving some of the units we now have. But I think the gentleman from Texas touched on it when he said if you polled the existing residents of public housing, they would say this is the priority, fix up the unit that they already live in. Of course they would.

The problem is, it is hard to poll people who do not now live in public housing. It is particularly hard to poll people who do not live anywhere, because they have no voice and they have no vote. And that is what we are saying.

Yes, we want to collaborate in efforts to improve the renovation of existing units.

The gentleman from Texas knows that, in disagreement with the majority of my colleagues in my party, I shared with him an initiative to improve what we think will be the efficiency with which they fix up apartments. But it is a terrible, albeit well intentioned, error for the House to say: No more new construction for the poor.

Remember what is going on simultaneously with this. A tax bill is very likely to pass which will substantially diminish the amount of low-income rental housing construction. No one doubts that. We have unduly relied on

tax incentives to produce housing for low-income people. I think we are in the process of going to far in the other direction to take it away. But we do not have total control of this. There will be substantially less low- and moderate-income housing built for elderly people and other poor people, almost certainly, if the tax bill is passed. And if the bill which is pending in the other body is passed, it will have a very severe effect. Ours will also have an effect. If we simultaneously, with substantially reducing tax incentives—people may think that is good tax policy. It is, in many ways. But if simultaneously we take away tax incentives for low-income housing and we then say public housing authorities, except in very unusual circumstances, may not construct any new housing, do not be surprised if a few years from now you have even more homeless. You cannot shoehorn a growing population into an existing number of units. Of course we should be rehabilitating them.

We have cut housing programs more than any other area of the budget. Must we say to the poor, "You are going to have to choose. Either we will fix up the houses some of you live in or we will build some new ones for you."

I think we can do both at a moderate level. And understand how public housing is constructed. I am pleased to see the very able chairman of the Appropriations Subcommittee, because he has presided over that construction process in a very useful way. What we have is this: If we authorize and appropriate money for the construction of public housing, it is substantially within the discretion of HUD as to whether or not a particular housing authority will get money to build. It is not an entitlement for the housing authority. What the gentleman's amendment says to the Secretary of HUD is: No, no matter how diligent a housing authority is, if it happens, if a new housing authority group comes in and they have inherited bad stock and less than 90 percent, through no fault of theirs, is habitable and they have been working on trying to improve it but they have not been able to reach that 90 percent goal yet and they want to build some new housing for the elderly and they give the Secretary of HUD a good proposal, let us build some new housing for the elderly and handicapped and for the homeless while we are also working to improve our housing stock, this amendment says no, Mr. Secretary, you cannot let them do that.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield on that point?

Mr. FRANK. I yield to the gentleman from Texas.

Mr. BARTLETT. As a factual matter, I want the gentleman to know that this does not affect section 202, which is for the elderly, nor the homeless.

Mr. FRANK. I appreciate that. I did not say this affected section 202. It does affect what it affects. I will stipulate it does not deal with what it does not deal with. It does not affect section 202, it does not affect the marines, it does not affect the Department of Commerce. It affects public housing.

Section 202 will be hurt in part by what is going on in the tax bill and other areas.

Section 202 involves some private developers, and private developers' ability to produce housing is being substantially eroded by tax legislation. Public housing is what we are talking about here, entirely public constructed.

The gentleman's amendment says if you are not in the 90 percent level of habitability, through some fault of some prior administration, and you are trying to improve it and you say to HUD, "Can we also build some new housing?" it is not allowed.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. FRANK. I yield to the gentleman from Massachusetts.

Mr. BOLAND. I thank the gentleman for yielding.

Mr. Chairman, my colleague from Massachusetts is absolutely correct.

I want to compliment the distinguished gentleman from Texas and his committee for bringing this bill to the floor.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. FRANK] has expired.

(By unanimous consent, Mr. FRANK was allowed to proceed for 3 additional minutes.)

Mr. BOLAND. The bill provides that additional funds for new public housing construction is left to the judgment and discretion of the Appropriations Committee.

Let me say you have left it with a good committee.

I have been a part of this process for a number of years. I joined this committee back in 1955. At that time it was very difficult to get support for the public housing program. We had a lot of problems with public housing over the years. I must say that at that time I had some misgivings about the program. But over the years I have come full circle on public housing. We have now provided about 1,300,000 units of public housing that shelter over 4 million people in this Nation. There have been some problems with it. We had some in St. Louis. We might have had some in Dallas, TX. We might have had some in other areas. In my own city of Springfield, for instance, badly planned, badly architected public housing units did not provide the right kind of living environment for the children who live there. There was not enough space for them and some people moved into new units who had never experienced an apartment before.

But, overall the public housing program works. I know that a number of administrations that I have served under, when they recommended their housing bills—the Nixon administration, for instance—indicated that public housing was a mess and totally wrong. Public housing is not a mess. It is one of the best programs we have. And it is the only program—the only program—that provides housing for the poor, those who are desperately poor, for very low-income families.

So the amendment of the gentleman from Texas would kill new construction for public housing in areas where it is needed most. Now, he is going to say, "No, it will not do it." If you consider the three criteria that he establishes in order for local public housing authorities to undertake new public construction, his indication was that the large cities in the United States would agree with the kind of amendment he has offered. I have some difficulty with that argument. The Council of Large Public Housing Authorities, which includes all of the major large public housing authorities throughout the United States, is opposed to this amendment.

I am a little confused about the argument of the gentleman from Texas. I remember very well what happened on this floor when we brought the 1986 appropriation bill to the floor last year. The committee recommended 10,000 new public housing units in the bill. The gentleman from Texas offered an amendment to cut that to 5,000 units. The amount of money carried to finance the 10,000 units was $1.8 billion. After the reduction of 5,000 units, he agreed with the 5,000 new units remaining in the bill. He agreed—now, he calls it a pittance—but he agreed to the 5,000 units that we provided, at a cost of some $980 million for that particular program.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. FRANK] has again expired.

(By unanimous consent, Mr. FRANK was allowed to proceed for 2 additional minutes.)

Mr. BOLAND. Incidentally, on the vote to reduce the 10,000 new public housing units to 5,000 units, we lost by 10 votes, that is all. Just by 10 votes. The gentleman from Texas and the whip, the gentleman from Mississippi [Mr. LOTT], came over to me and said, "EDDIE, if you do not press this on a separate vote when we get back in the House, I can tell you that this will be acceptable to the administration." I agreed, and it was. We took that particular promise at its word. And when we went over to the other body, we maintained the 5,000 units, under very

difficult circumstances, as the members of this committee well know. So the conference report provided 5,000 units, and when the bill went down to the other end of the avenue, it was signed. The promise was kept.

But within a relatively few months after the President's signature, up comes a rescission and up comes a deferral which knocked out the 5,000 units.

Mr. FRANK. If the gentleman will allow me briefly to take back my time and corroborate this, if I am correct, first the administration would have frozen this spending by the deferral, and now if we were to pass this amendment and it became law, this would recapture what has not been spent because the administration deferred.

Mr. BOLAND. If the gentleman will continue to yield, let me say that with respect to modernization, it was the 1984 HUD-Independent Agencies Appropriations Act that contained $4 million for a study by HUD of public housing modernization needs. That act was signed into law on July 12, 1983, and that was 7 months after the author of this amendment came to Congress. The 1985 HUD-Independent Agencies Appropriations Act increased that modernization study to $4.5 million. In 1986 the HUD-Independent Agencies Appropriations Act provided that up to 20 percent of the public housing development funds would be available for major reconstruction of obsolete public housing. Incidentally, in the 1986 bill, we provided $1.5 billion for public housing modernization.

It is my intention, and hopefully the committee that I chair will agree, that in the 1987 HUD-Independent agencies appropriation bill—and within the committee's 302 allocation—we will provide about, hopefully, $2.5 billion for rehabiliation.

In my judgment, I think that is the direction in which we ought to go. I have great respect for the gentleman from Texas. He is intelligent, and I think he is a very cooperative individual at times—but not in this particular instance. There is no doubt about the fact that the amendment which he offers would kill much of the new construction of public housing.

I would hope that this Committee would not agree with the amendment.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. FRANK] has again expired.

(On request of Mr. GONZALEZ and by unanimous consent, Mr. FRANK was allowed to proceed for 5 additional minutes.)

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. FRANK. I yield to the gentleman from Texas.

Mr. BARTLETT. I thank the gentleman for yielding.

Mr. Chairman, I do appreicate the opportunity to work with the gentleman from Massachusetts, both gentlemen from Massachusetts. I have a great deal of respect for them. The fact is that this amendment does not kill new construction of public housing, but it does create a priority for the first time. It faces the reality of 1986, to avoid the status quo.

I will say to the gentleman that we have no dispute as to the fact of a need for units to house low-income families. We have no dispute as to that need. The dispute is whether we should be spending this $860 million and more in future years, with the priority as to where it can really have some impact, and that is to repair the units that we have, many of which are unoccupied and uninhabitable, many of which are inhabited but they are substantially below standard, whether we should be spending that, whether we can help more people with repair and modernization than building new construction. I contended that 1 year ago and 2 years ago, as do residents of public housing, that we can have greater impact on more lives of low-income families by spending our resources on repair and modernization than on new construction.

□ 1330

Mr. FRANK. Let me just take back my time to reiterate my disagreement on the following points.

First, the gentleman is sugar coating his amendment. It does not just establish a priority for modernization over new construction. As I think the leading authority on the appropriations process on housing has said, and I agree with him, this makes it virtually impossible to build any new public housing in many, many areas of the country because it says, "Unless 90 percent of your units are up to the housing quality standards," what you are doing by this is penalizing the already penalized. You have the poorest areas where the people have been housed who have been hardest to house. Who have been hit the hardest under building.

So you say to those cities whose housing stock is already deteriorated, public and private, "Because you have got deterioration, you cannot have any new housing." In some cases, it is appropriate for HUD to say, "You, as a housing authority, have done so bad a job we give you no new money." They have always had that authority.

The gentleman from Massachusetts in his appropriations bills has protested HUD's right to say "no" to a bad authority. What this amendment says is to a good authority. A group that is working to rehabilitate and simultaneously wants to add elderly housing and wants to increase so we can deal with the homeless, with people who are mentally ill, so we can build appropriate housing for people who have been released.

No, you cannot do it, you cannot do it because you do not reach a standard that very few can reach.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. FRANK. I yield to the gentleman.

Mr. BOLAND. I thank the gentleman for yielding to me.

Mr. Chairman, there are over 3,000 public housing authorities in the United States, and about 2,900 are relatively small public housing authorities.

The large public housing authorities in the United States oppose this amendment. I think that the gentleman from Massachusetts struck the bottom line, and the distinguished gentleman from Texas knows it. The bottom line is that there would be no incremental units added to the public housing stock in many, many areas where it is most needed if this amendment were adopted.

Now, the gentleman is going to deny that, but the fact of the matter is, that is exactly the way this amendment would work. If you do not provide any additional units—you go to any public housing authority in the United States, whether it is large or small—and you'll find that there are a great number of people who are on the waiting list for public housing units. And they will not get in, with the result that if you do not provide for incremental units, then you are not providing for the needs of the poor and the very poor.

That is exactly the class you are hitting here. I think that is the class that we have to be concerned about.

Mr. FRANK. I thank the gentleman from Massachusetts.

Mr. Chairman, let me just conclude because I have taken too long. Let me say that I agree with the gentleman from Texas: Existing residents of public housing units do not have any interest in new units being constructed; they are living there. Let us not take two groups of poor people and make them fight each other.

The people who are not now housed at all ought not to be denied. We had a very impressive national demonstration a little while ago: Hands Across America. It was for the homeless. Please, do not vote for an amendment which is going to repudiate what was supposedly some national promise to try to provide for the homeless.

People now not housed ought not to be frozen out. Do not put the hands of the House of Representatives across the door of public housing and say, "No new people can apply." I think it would be a grave error to pass an amendment which would virtually prevent, and again, the decision is in the hands of the Secretary of HUD. If we pass this amendment, the Secretary of HUD loses his discretionary authority

to allow new construction in most of the large housing authorities in the country. That is not a good idea.

Mr. McKINNEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, my good friend from Texas has two amendments. One I consider an excellent one, and one I consider absolutely awful, and this is the awful one.

Everybody would like to mod-rehab something. But what if you do not have anything to mod-rehab? I would almost give anybody, right now, $50 if they could come into my city of Bridgeport and find one unit that is empty that is not for rent for over $500.

Housing is like a pressure cooker: We have a lid on the top and we have a fire on the bottom. As we try to improve a neighborhood, I am constantly appalled at what happens. I have tried; I thought I was the hero of all time because I was going to solve the problem of a beautiful, old park area called Washington Park. I kept HUD's big fingers off of neighborhood housing, and neighborhood housing went in and we all of a sudden redid Washington Park. Ten years later, we have totally gentrified an area of the city.

What happens to the poor people? Where do they go with this fire underneath them? HUD, in its brilliance, they do not bother to tell me. I am only ranking member of the Housing Subcommittee. HUD wanders in and some person says, "You know, we are going to have to condemn Father Penik Village." What is he talking about? Is he talking about buildings? Yes, they are terrible. They are 50-odd years old. The stupid management has let leaks come in between the brick and the interior. Nobody can live there; nobody wants to live there. But they are homes for 1,100 families. Eleven-hundred families.

I could not find one apartment to mod-rehab. If I did mod-rehab it, unfortunately, without being disrespectful, the Yuppies and the Guppies would be fighting over who is going to get in it, because there is no place for them to live either.

We have got to retain a realization that as our economy improves, and it has improved under this administration and everybody is on a twirl except the oil people and the farmers for which I feel very sorry. In fact, the apartment that was the poor person's apartment has now become the expensive apartment.

In New England, and I know in Mr. FRANK's district and in Bridgeport we have a lot of them, we call them tenements. That is not a word of disparagement. That is a style of building that was built in New England. Three storeyed or four; wood-framed, flow-through apartments. Wonderful old buildings; huge space. They used to rent for $100 or $150. But you know that a third-floor, dormered-roofed, walk-through is worth now in a section of Bridgeport that was considered, "Well, that is where the poor people live"? $650 a month plus utilities.

What poor person can afford that? We have to add to the supply. My colleague from Massachusetts was very bright when he said that we are funneling and it is getting very narrow and it is getting very poor and to pass this amendment would give public housing authorities the right and the ability to ignore their responsibility to create public housing for the poor people of this country. That is their right.

This country is based on housing. It may have a lousy roof; it may be a leaky roof; there may not be a very good door; the kitchen may not work right, but it is a roof. It is not a grate. It is not a sidewalk. It is not Mr. Snyder's snakepit of 800 beds. It is a home to someone; it is not to us.

To forget that, to take away the ability to build that home, is to really destroy what this country stands for. You know, I was in the building business for 20-odd years before I made the mistake of becoming a public official. I go crazy when I see what HUD does. I go crazy. When I see what housing authorities do, I go crazy over them, too. They spend more money doing less than any other group I have ever met. But at least they are doing something. If you give them the excuse not to do something, no one is going to be housed, and that is the American dream.

The CHAIRMAN. The time of the gentleman from Connecticut [Mr. MCKINNEY] has expired.

(On request of Mr. GREEN and by unanimous consent, Mr. MCKINNEY was allowed to proceed for 5 additional minutes.)

Mr. McKINNEY. Mr. Chairman, I yield to my good friend from New York [Mr. GREEN] who also has that wonderful vacancy problem.

Mr. GREEN. I thank the gentleman for yielding to me.

Mr. Chairman, I should simply like to back up the gentleman's remarks. I think the gentleman from Texas obviously addresses a point of concern. It is important that we prioritize HUD spending, and there are many parts of the country where there is a very high vacancy rate, and we can use existing housing under either the Voucher Program or the Section 8 Existing Housing Program in order to house families that otherwise would not have shelter.

Unfortunately, there are also major parts of the country which do not have high vacancy rates. Some major metropolitan areas, including my own, as well as some rural areas in this country, lack adequate decent housing. In those areas I think it is a tragic mistake to say that you have to have your housing authority substantially complete its modernization program before they can use one penny for the creation of new housing.

Obviously, we should use existing housing where possible, but it simply is not possible in many parts of the country to use existing housing to house the homeless, because there is not any vacancy rate in the existing housing. That is the difficulty that I think we face with the gentleman's amendment.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. McKINNEY. I yield to the gentleman from Texas.

Mr. BARTLETT. Mr. Chairman, there are two difficulties with public housing today. One is that 36 percent of all public housing units that are substandard, that are below code. The gentleman would seem to imply that he thinks that those are—well, I know that he does not mean that those are good conditions for people to live in—but one group is those units that are substandard and uninhabitable and indecent and unsafe and unsanitary, yet lived in, and the other one is that large number of units that are vacant because they are uninhabitable.

It is true that some cities do not have such a high vacancy rate, but those same cities also have units that are in need of repair. What this amendment does, I would repeat, is not to cut housing funds, is not to reduce the total amount of money; it is to say that the funds that we do have, that we do use, would be used in the way that can help the maximum number of low-income families the soonest, the quickest. We can repair more units, provide more housing, in better conditions, for more people, through the use of repair and modernization at this time, in 1986 and 1987, than we can with new construction.

Mr. GREEN. Mr. Chairman, will the gentleman from Connecticut yield?

Mr. McKINNEY. I yield to the gentleman from New York.

Mr. GREEN. Mr. Chairman, in my city the housing authority has essentially a zero vacancy rate. In fact, from everything that we can tell in terms of water usage and electricity usage, in many of the units, large numbers of the units, families have doubled up. You cannot prove it because that doubling up is illegal, but because there is no housing, we know that families have doubled up there and no one is going to evict them.

We have a less than 2-percent vacancy rate. Oh, yes, if you want to pay $2,000 a month, I can find you apartments in New York City. But for the family that is out homeless in the street, their building burned out, that is not a solution. Yes, the housing authority has some older buildings, and those older buildings have some de-

ferred maintenance, and that has got to be dealt with. As the distinguished chairman of the HUD and Independent Agencies Appropriations Subcommittee told this House, we have appropriated very substantial sums of money to deal with that problem. I can assure you as ranking minority member of that subcommittee that we shall continue to do so. But the fact that that problem ought to be addressed and is being addressed is no excuse for not addressing the problem of the homeless in those cities where there is no vacancy rate.

Mr. McKINNEY. Mr. Chairman, I am going to take back my time for a moment, because I just want to give Members some facts. The vacancy rate in public housing in Stamford, CT, is 0.03: three one-hundredths of 1 percent. The vacancies that are there are burnout units. We want to move a family in Bridgeport, CT, which is right down the street, because their apartment was torched. Nobody knows why, and nobody is casting any blame, but somebody threw a gas bomb or something through the window. We cannot find anyplace to put them. We cannot even find motels to put them in. They are living in it.

We have a lead-paint situation in a public housing project called the Green Apartments. You know, we are redoing all of those walls, redoing the entire apartment, and the people have to live in them, because we have no place to put them.

Mr. BARTLETT. Mr. Chairman, would the gentleman yield very, very briefly?

Mr. McKINNEY. I yield to the gentleman from Texas.

Mr. BARTLETT. Mr. Chairman, I thank the gentleman for yielding further to me. The debate is not over whether there is a need. Of course, there is a need. It is whether the 4,600 units that are in this fiscal year 1986 budget for new construction can even begin to have any impact on the need.

The CHAIRMAN. The time of the gentleman from Connecticut [Mr. McKINNEY] has expired.

(On request of Mr. BARTLETT, and by unanimous consent, Mr. McKINNEY was allowed to proceed for 1 additional minute.)

Mr. BARTLETT. Mr. Chairman, in 1985, the entire State of Connecticut only received 15 new units of public housing under new construction. The entire State of New York only received 327 new units of public housing. We are not going to solve the need or even have any impact on the need that the gentleman so eloquently describes through new construction of new units. It is just not going to happen. I know that the Members of this House are focusing——

Mr. McKINNEY. The gentleman is just giving me the argument that we need more for new construction. I mean, 15 is 15.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. McKINNEY. I am delighted to yield to the gentleman from New York.

Mr. GREEN. Mr. Chairman, I would remind the gentleman from Texas that it was his amendment that cut an extra 5,000 units of public housing out of last year's HUD and independent agencies appropriation bill. So I really think it comes with ill face for the gentleman to say that the low level to which he has cut the funding for new construction is a reason for abolishing it altogether.

Mr. BARTLETT. Will the gentleman from Connecticut yield on that point?

Mr. McKINNEY. I am delighted to yield to the gentleman from Texas.

The CHAIRMAN. The time of the gentleman from Connecticut [Mr. McKINNEY] has again expired.

(On request of Mr. FRANK, and by unanimous consent, Mr. McKINNEY was allowed to proceed for 1 additional minute.)

Mr. McKINNEY. Mr. Chairman, I will not accept any more time after this, because I am beginning to feel like I am at a tennis game.

Mr. BARTLETT. If the gentleman will yield, I ask the House to look at the facts. The number I quoted of 327 new units approved in 1985 for New York and 15 for Connecticut was for 1985. That is the same number of new units that were appropriated in 1985 as were appropriated after my amendment in 1986. We cannot solve the problem with 15 units per State per year.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. McKINNEY. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Chairman, what the gentleman from Texas is saying is, because we have done too little in the past, let us solve that by doing absolutely nothing in the future. That just is not good housing policy, arithmetic, or common sense.

Yes, some housing authorities have done a bad job of housing some poor people. Do not blame the victims. Do not think that the rational response to that is to say that no housing authority anywhere in the country can go ahead and build any new housing for new people. Do not say that and simultaneously profess that you are going to try to help the homeless. You cannot solve a problem in inadequate housing by doing less.

Yes, given budget constraints, we cannot build at the rate at which I would like to build, but going to zero is not the answer.

Mr. GONZALEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the pending amendment. I think that the reality is that poor people face a multitude of housing problems in our country. In the subcommittee for the past 5½ years we have held the most comprehensive field hearings as well as Washington, DC, hearings ever in the history of any committee or any two committees. We have gone from the eastern shore, rural, to the dense urban in New York, Philadelphia. We have gone clear across the continent and in between, to the States of Wisconsin, Minnesota, Illinois, Texas, and all the way to California.

Let me assure my colleagues that we have a terrible housing crisis that is going to disgorge itself into a dangerous social situation for our country. There is no question about it. If we want to think that there is not, that is our privilege, but let me assure my colleagues that these comprehensive hearings have clearly revealed the extent and the dimensions of this problem, particularly for the poor.

In some communities there are too few units. In others, the existing public housing units are in dire need of rehabilitation. In the largest communities the housing stock, for instance on the north side of town, may need rehabilitation, while the need just 10 miles away on the south side is for additional new units. Some cities have plenty of one-bedroom units for the elderly but a shortage of housing for those desperately needy families with children.

The amendment places shortsighted limitations on the conditions under which public housing authorities may receive funds to acquire or construct additional units. Only if a public housing authority is selling or demolishing existing units, or if at least 90 percent of the public housing authority's stock is in decent condition, would new construction funds be available.

There is no question that the chairman of the appropriations subcommittee is totally correct when he says that the adoption of this amendment means that we are killing all new public housing construction. This might work in the gentleman's home district in Texas, but even there, in his immediate environments, I have a newspaper story from his hometown's newspaper, two front-page stories. "Families Face Difficulties in Finding New Apartments," and they are talking about poor families with certificates, vouchers. In the suburbs, "Dallas Agency Split on Aid Regulations."

□ 1350

I do not think that my colleague from Texas has that part of Dallas that contains any of what we call the traditional or conventional public

housing stock. I may be in error, but I do not think so.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield on that point?

Mr. GONZALEZ. I am glad to yield.

Mr. BARTLETT. Mr. Chairman, I think the gentleman is correct as far as geographical boundaries; but as the gentleman knows, I think he is incorrect if he leaves the impression that I have not worked on behalf of those public housing tenants of all of Dallas for approximately 10 years. I know the gentleman came and was gracious enough to hold a public hearing in part at my request on public housing in Dallas.

Mr. GONZALEZ. That is correct.

Mr. BARTLETT. The issue is not the need, it is how to meet the need.

I thank the gentleman for yielding.

Mr. GONZALEZ. Well, but I am trying to show that even there in the immediate environments of this district, and of course we may represent geographical sections of a given township or city, that we are all in the same pot because our style of life is such that we are all affected. There is an interdependability in the situation.

What I am saying is that the thrust of this amendment in a good cause, that is, to give us affordable funds to rehabilitate and modernize those that are susceptible; the bad part is that the gentleman is not willing to admit that many of these structures are not susceptible to modernization or rehabilitation and are being demolished and therefore reducing the housing back.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(By unanimous consent, Mr. GONZALEZ was allowed to proceed for an additional 5 minutes.)

Mr. PURSELL. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I am glad to yield.

Mr. PURSELL. Mr. Chairman, I am not a member of this particular standing committee, but a member of the Appropriations Committee. My arithmetic tells me that if there are 80,000 vacancies in the country, and let us forget regional and city boundaries here provincially, depending where you come from in the Congress, it seems to me that if we could modernize those vacant facilities, and I have walked through many housing facilities in my area that are in disrepair that need modernization, we would do more for the poor than if we were to build fewer, less new construction units.

Now, the question is, How are we going to help the poor? Are we going to modernize and make those units open to be attractive with some quality standards and therefore help more poor families than if we were to build fewer new houses and let the old houses get in worse condition? It is a matter of rebuilding our infrastructure system in America to improve our quality.

Mr. GONZALEZ. Mr. Chairman, let me reclaim my time and say that the gentleman misses the point of what I am saying. What I am saying is that you are not helping the poor if you end up in the total reduction of available housing for the poor, which this amendment will do, because you are not taking into consideration those units now in existence that are boarded up, that are not available, that are counted as vacant, but they are not susceptible of rehabilitation.

Mr. PURSELL. Well, I would disagree with that.

Mr. GONZALEZ. If you reduce that unit of housing stock for the poor, how are you helping the poor? That is the issue.

Mr. McMILLAN. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I am delighted to yield to my colleague, who is also a member of the committee.

Mr. McMILLAN. Mr. Chairman, I thank the gentleman.

There are a few questions that have come up today that give me some concern that I would like someone to respond to.

It is my understanding that in H.R. 1 we sought to authorize about 4,800 new units last year.

Mr. GONZALEZ. Actually, we authorized 5,000.

Mr. McMILLAN. I have heard discussion about 10,000 and 5,000.

Mr. GONZALEZ. That is right.

Mr. McMILLAN. How many units of new construction are currently in the pipeline that have been authorized and appropriated for in prior years that are not yet committed for or under construction? My understanding is that there are approximately 36,000 units in that category and we are talking about 5,000 or 6,000 at this point. That is one thing.

Mr. GONZALEZ. Well, I do not know about 36,000 or whether it is 28,000, but the gentleman must understand the nature of the construction processes. These things sometimes are a matter of 4 or 5 years in which the money is in the pipeline.

Mr. McMILLAN. I realize that, That is part of my point and the reason for my question.

Mr. GONZALEZ. But if the gentleman will yield back to me, this amendment would prevent the use for construction which is allowable under the law, the use of these construction funds for the acquisition of suitable housing, that is, existing housing. You do not necessarily have to construct anew, which means that you can purchase that type of suitable housing far cheaper than you can rehabilitating or remodeling or modernizing your units.

This is the thrust of our argument, that while it is good to say that we are for modernization, and nobody has been more for it than I have and am one of those who pushed hard until we got the first modernization program in 1970. That is fine, but you cannot at the same time say that you will totally concentrate the funding on modernization, to the total neglect of new construction.

Mr. McMILLAN. Well, I perhaps misunderstand the amendment, because I do not see it as totally ruling out new construction. I see it as enhancing the modernization program.

Let me give one example from my district. We just got appropriated funds last year to remodel a 300 unit public housing facility that was built in 1939.

Now, had those modernization funds not been available, I think probably that public housing project would be shut down in a very short period of time.

Mr. GONZALEZ. I would think so.

Mr. McMILLAN. Had we had to rely only upon new construction funds to replace that, we may have been looking 5 years out in the future in terms of meeting that need. I think that gets to the issue.

Mr. GONZALEZ. Well, if the gentleman will allow me, the gentleman has touched on the important point with respect to modernization.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

(By unanimous consent, Mr. GONZALEZ was allowed to proceed for an additional 3 mintues.)

Mr. GONZALEZ. I must read into the record some statistics, so I will say this to sum up. The 1939-41 housing stock was the original housing stock. In fact, the mortgage life has matured, but they were so substantially and well constructed that they have been easily susceptible to modernization and rehabilitation, unlike the more recently built housing within the last decade or two decades, so that there is no quarrel with that; but the gentleman also perhaps will agree that that same housing authority may find it necessary in order to meet the growing needs for assisted housing to either purchase through new construction funds, which are allowable. New construction does not mean to have to construct new. That is what we are talking about. This amendment would eliminate that.

Now, let me recall some of my time. The impact of this amendment would make it impossible for at least a substantial number of the public housing authorities to address their housing needs. As I say and try to repeat, this is not a simplistic problem throughout the country. Each community has unique housing problems that need ad hoc unique solutions.

This amendment has no relationship to the severity of need in a communi-

ty. Pity that community that does not meet the criteria listed in this amendment.

Example: A public housing authority has more than 10 percent of its units in disrepair and a 2-year waiting list. It has requested moderization funds from HUD for the last 4 years. It has not received any and insufficient rehabilitation funds are available in the fiscal year 1987. Even if they apply now, they have been cut back on budgetary arguments.

The amendment of my colleague would prevent this PHA from receiving any acquisition or development funds.

Another example: The majority of a public housing authority's units are one bedroom and efficiency units, 15 percent of which need repair. Most of the people living in homeless shelters and PHA waiting lists are families with children today, as contrary to what the situation was just 5 or 6 years ago. This PHA could not receive any development funds to acquire or build single family scattered site homes.

I could go on and on. I just simply wish to say that I attempted to reconcile on a compromise basis with my distinguished colleague from Texas. It was impossible to do so, and I accept that. After all, this is the name of the game; but I urge my colleagues to defeat this amendment in the cause of meeting the growing and troubling needs of the poor in our country for shelter.

Mr. ROEMER. Mr. Chairman, I move to strike the requisite number of words. I rise in support of the amendment.

I just would like to thank my colleague, the gentleman from Texas [Mr. BARTLETT], for bringing the issue before us. There are going to be good people on both sides who disagree as to just what our priorities ought to be. I respect that. I understand it. These are not easy questions.

I happen to serve under the quality leadership of my chairman, the gentleman from Texas [Mr. GONZALEZ], on the Housing Subcommittee of the Banking Committee. I have enjoyed it and have learned a great deal.

I have learned, among other things, that public housing in this country as it presently exists has at least 80,000 units vacant across America in which nobody lives—80,000 units. This is at a time when we literally have tens of thousands, perhaps hundreds of thousands of people who have no housing at all.

It is the kind of contradiction in America where we are paying farmers not to grow and we have people going hungry.

The gentleman from Texas [Mr. BARTLETT] has tried to put the two dichotomies together, vacant units that need a certain amount of rehabilitation so that they can be livable and put those with people who need homes. It makes sense.

Now, there are some who say that we should not follow the leadership of the gentleman from Texas [Mr. BARTLETT]. We should continue to nickel and dime public housing as we can, particularly with new construction, but that brings 15 units to the State of Connecticut. That brings 360 units to the State of New York.

I am not saying that is not important, but in terms of priorities when money is tight and finite, perhaps now is the time to give the gentleman from Texas [Mr. BARTLETT] a chance. Perhaps now is the time to say, not on behalf of the Congress, but on behalf of the people who are poor and without homes, that we can touch more of them, lift more of them, put more of them in a decent home if we follow the Bartlett ideal, thereby taking the $800 million plus and rehabilitating those units that already exist in America, but which are vacant.

It makes sense to me and I want to thank my colleague, the gentleman from Texas.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. ROEMER. I am glad to yield to the gentleman.

Mr. BARTLETT. Mr. Chairman, I have heard the gentleman from time to time refer to 1986, unfortunately, as the "year of the ostrich," as the year in which in too many ways Congress has buried its head in the sand and ignored reality. This amendment I would compare to that and say that it is an opportunity for Congress to take its head out of the sand, to face the reality of the 459,000, some 36 percent of the stock public housing units that are in need of repair, the 80,000 units that are vacant and could be repaired and rehabilitated, the fact that using repair and modernization as a priority, breaking with the status quo, we could help more people, house them better, house them quicker, give them better living conditions, and make their lives easier at a lower per unit cost than using the current new construction model.

Now, this amendment does not eliminate new construction, as the gentleman knows. It merely does what Congress has failed to do in prior authorization bills and to set the priority. The priority is where the need is and that is repairing those units we already have.

It is a commonsense amendment. It is a commonsense approach that really comes from the residents of public housing in this country.

Mr. Chairman, I thank the gentleman for yielding and for his leadership on this.

Mr. ROEMER. Mr. Chairman, I thank the gentleman for his comments, and would say in closing that it is a commonsense amendment. Perhaps that is the difficulty with it. It makes common sense to me, rather than to construct 5,000 new units a year in some blind inadequate plan, that took 16 years of construction to effect 80,000 units.

This gentleman in the matter of the next 2, 3, or 4 years, depending on the rehabilitation needs, can effect all 80,000 units, and when we come here we represent our districts, but we represent more than that. We represent America and I think America would like us to take care of 80,000 units, rather than 5,000 a year for 16 years.

Mr. PURSELL. Mr. Chairman, will the gentleman yield?

Mr. ROEMER. I yield to my colleague, the gentleman from Michigan.

Mr. PURSELL. Mr. Chairman, it seems to me another dimension, too, is that when we have, as in Detroit, one-fourth vacancies, that if we could fill those by improving the quality of those vacancies, we also would establish a better financial structure for that existing housing unit and thereby protect more of the poor as a whole.

I think I have been involved in refinancing some housing facilities in our district and certainly if you have 100-percent full occupancy, you are going to have a better financial picture fiscally. I think that would be better for the poor and better for the Federal Government as well.

Mr. ROEMER. I agree with the gentleman.

□ 1405

Mr. CLINGER. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment offered by the gentleman from Texas [Mr. BARTLETT].

Mr. Chairman, I rise in strong support of the Bartlett amendment and want to associate myself with the remarks of the gentleman from Louisiana because I think he puts his fingers squarely on what the real issue is that we are debating: How can we better provide for the needs of the poor and the homeless; how can we really affect the real housing needs that exist?

Nobody is arguing over whether or not we should provide these facilities. The question is: How do we get more of those facilities available for the people who are in need of them?

I can certify that in the district that I represent, which is a rural district in Pennsylvania, we have been left with many underinhabited, underutilized, uninhabited facilities because of the lack of Federal resources to meet and to make them habitable for low-income families.

We have a variety, numbering into the hundreds of units, that are not presently occupied because they are uninhabitable, so refurbishing existing buildings and units to be used for

public housing is not only less expensive, but provides shelter that is safer, clearly safer for tenants, and more readily available in a shorter period of time.

I think that is what we are talking about here. We have 80,000 units that are uninhabitable, that are uninhabited. There is a need to put those units back into the stream so that people much sooner are going to be able to utilize those.

It seems to me that too many of our Government programs tend to skew resources toward new construction of whatever it may be. I serve on the Public Works Committee, and we wrestle always with trying to provide money for rehabilitation, for modernization, for upgrading of existing facilities. The whole infrastructure issue really is a debate about whether we should be putting more money into new types of facilities or into maintaining and upgrading existing facilities. Our interstate highway system, which is wearing out faster than we are replacing or repairing it, is a case in point.

I would suggest to my colleagues that the fault is not in our stars, as Shakespeare said, but in ourselves. The fact is that it is oftentimes more politically palatable to cut a ribbon for something new than to do the hard work of rehabilitating what we have already done.

I am also, I think, satisfied as a result of this debate with what I believe are true safeguards in this amendment to protect new construction that is already underway and that is needed to replace units lost to demolition. This is not an amendment that is going to prohibit, eliminate, stop all new construction. What it is saying is that we need to redress the balance to some extent so that rehabilitation, which is now definitely penalized and definitely not favored, would at least be given favorable consideration.

So I think we would make greater use of what the Federal Government and our own local communities have to offer by support of this amendment, and I would urge this in the name of fiscal responsibility, because we do have to make choices, we do need to establish priorities, and also for compassion for those who are in need of housing. This amendment will make that possibility, that dream, come true faster and in a quicker period of time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. BARTLETT].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BARTLETT. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 148]

Ackerman	Crockett	Hall (OH)
Akaka	Daniel	Hall, Ralph
Alexander	Dannemeyer	Hamilton
Anderson	Darden	Hammerschmidt
Andrews	Daschle	Hansen
Annunzio	Daub	Hatcher
Anthony	de la Garza	Hayes
Applegate	DeLay	Hefner
Archer	Derrick	Hendon
Armey	DeWine	Henry
Aspin	Dickinson	Hertel
Atkins	Dicks	Hiler
AuCoin	DioGuardi	Hillis
Barnard	Dixon	Holt
Barnes	Donnelly	Hopkins
Bartlett	Dorgan (ND)	Horton
Barton	Dornan (CA)	Howard
Bateman	Dowdy	Hoyer
Bates	Downey	Hubbard
Bedell	Dreier	Huckaby
Beilenson	Duncan	Hughes
Bennett	Durbin	Hunter
Bentley	Dwyer	Hutto
Bereuter	Dymally	Hyde
Berman	Dyson	Ireland
Bevill	Early	Jacobs
Biaggi	Eckart (OH)	Jeffords
Bilirakis	Eckert (NY)	Jenkins
Bliley	Edgar	Johnson
Boehlert	Edwards (CA)	Jones (NC)
Boggs	Edwards (OK)	Jones (OK)
Boland	Emerson	Jones (TN)
Boner (TN)	English	Kanjorski
Bonior (MI)	Erdreich	Kaptur
Bonker	Evans (IA)	Kasich
Borski	Evans (IL)	Kastenmeier
Bosco	Fascell	Kemp
Boucher	Fawell	Kennelly
Boulter	Fazio	Kildee
Boxer	Feighan	Kindness
Brooks	Fields	Kleczka
Broomfield	Fish	Kolbe
Brown (CA)	Flippo	Kolter
Brown (CO)	Florio	Kostmayer
Broyhill	Foglietta	LaFalce
Bruce	Foley	Lagomarsino
Bryant	Ford (MI)	Lantos
Burton (CA)	Ford (TN)	Latta
Burton (IN)	Fowler	Leach (IA)
Bustamante	Frank	Leath (TX)
Byron	Franklin	Lehman (CA)
Callahan	Frenzel	Lehman (FL)
Carney	Frost	Leland
Carper	Fuqua	Lent
Carr	Gallo	Levin (MI)
Chandler	Garcia	Lewis (CA)
Chappell	Gaydos	Lewis (FL)
Cheney	Gejdenson	Lightfoot
Clay	Gekas	Lipinski
Clinger	Gephardt	Livingston
Coats	Gibbons	Loeffler
Cobey	Gilman	Long
Coble	Gingrich	Lott
Coleman (MO)	Glickman	Lowery (CA)
Coleman (TX)	Gonzalez	Lowry (WA)
Combest	Goodling	Lujan
Conte	Gordon	Luken
Conyers	Gradison	Lungren
Cooper	Gray (IL)	Mack
Coughlin	Gray (PA)	MacKay
Courter	Green	Madigan
Coyne	Gregg	Manton
Craig	Guarini	Markey
Crane	Gunderson	Marlenee
Martin (IL)	Porter	Solarz
Martin (NY)	Price	Solomon
Martinez	Pursell	Spence
Matsui	Quillen	Spratt
Mavroules	Rahall	St Germain
Mazzoli	Rangel	Staggers
McCain	Ray	Stallings
McCandless	Regula	Stangeland
McCloskey	Reid	Stark
McCollum	Richardson	Stenholm
McCurdy	Ridge	Stokes
McDade	Rinaldo	Strang
McEwen	Ritter	Stratton
McGrath	Roberts	Studds
McHugh	Robinson	Stump
McKernan	Rodino	Sundquist
McKinney	Roe	Sweeney
McMillan	Roemer	Swift
Meyers	Rogers	Swindall
Mica	Rostenkowski	Synar
Michel	Roth	Tallon
Mikulski	Roukema	Tauke
Miller (OH)	Rowland (CT)	Tauzin
Miller (WA)	Rowland (GA)	Taylor
Mineta	Roybal	Thomas (CA)
Mitchell	Rudd	Thomas (GA)
Moakley	Russo	Torres
Molinari	Sabo	Towns
Monson	Savage	Traficant
Montgomery	Saxton	Traxler
Moody	Schaefer	Udall
Moore	Scheuer	Valentine
Moorhead	Schneider	Vander Jagt
Morrison (CT)	Schroeder	Vento
Morrison (WA)	Schuette	Visclosky
Mrazek	Schumer	Volkmer
Murphy	Sensenbrenner	Vucanovich
Murtha	Sharp	Walker
Myers	Shaw	Watkins
Natcher	Shelby	Waxman
Neal	Shumway	Weaver
Nelson	Shuster	Weber
Nichols	Sikorski	Weiss
Nielson	Siljander	Wheat
Nowak	Sisisky	Whitley
Oakar	Skeen	Whittaker
Oberstar	Skelton	Whitten
Obey	Slattery	Williams
Olin	Slaughter	Wirth
Ortiz	Smith (FL)	Wise
Owens	Smith (IA)	Wolf
Oxley	Smith (NE)	Wolpe
Packard	Smith (NJ)	Wortley
Panetta	Smith, Denny (OR)	Wright
Parris		Wyden
Pashayan	Smith, Robert (NH)	Wylie
Pease		Yates
Penny	Smith, Robert (OR)	Yatron
Pepper		Young (AK)
Perkins	Snowe	Young (FL)
Petri	Snyder	Young (MO)

□ 1425

The CHAIRMAN. Four hundred two Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Texas [Mr. BARTLETT] for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. The Chair will remind Members that this is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 223, noes 180, not voting 30, as follows:

[Roll No. 149]

AYES—223

Andrews	Bartlett	Bliley
Annunzio	Barton	Boucher
Anthony	Bateman	Boulter
Applegate	Bedell	Broomfield
Archer	Beilenson	Brown (CO)
Armey	Bentley	Broyhill
Aspin	Bereuter	Bryant
Barnard	Bevill	Burton (IN)

Byron	Hyde	Ridge
Callahan	Ireland	Ritter
Carney	Jacobs	Roberts
Carper	Jeffords	Robinson
Carr	Jenkins	Roemer
Chandler	Jones (OK)	Rogers
Chapman	Jones (TN)	Rostenkowski
Cheney	Kasich	Roth
Clinger	Kemp	Roukema
Coats	Kindness	Rudd
Cobey	Kolbe	Russo
Coble	Lagomarsino	Saxton
Coleman (MO)	Latta	Schaefer
Combest	Leach (IA)	Schuette
Coughlin	Leath (TX)	Seiberling
Courter	Lewis (CA)	Sensenbrenner
Craig	Lightfoot	Sharp
Crane	Lipinski	Shaw
Daniel	Livingston	Shumway
Dannemeyer	Loeffler	Shuster
Darden	Lott	Siljander
Daschle	Lowery (CA)	Sisisky
Daub	Lujan	Skeen
DeLay	Lungren	Slattery
DeWine	Mack	Slaughter
Dickinson	MacKay	Smith (IA)
Dorgan (ND)	Madigan	Smith (NE)
Dornan (CA)	Marlenee	Smith (NJ)
Dowdy	Martin (IL)	Smith, Denny (OR)
Dreier	Martin (NY)	Smith, Robert (NH)
Duncan	McCain	Smith, Robert (OR)
Dyson	McCandless	Snyder
Eckart (OH)	McCloskey	Solomon
Eckert (NY)	McCollum	Spence
Edwards (OK)	McCurdy	Stangeland
Emerson	McEwen	Stenholm
English	McMillan	Strang
Evans (IA)	Meyers	Sundquist
Fawell	Michel	Sweeney
Fields	Miller (OH)	Swindall
Fowler	Miller (WA)	Synar
Franklin	Molinari	Tauke
Frenzel	Monson	Tauzin
Frost	Montgomery	Taylor
Gallo	Moody	Thomas (CA)
Gibbons	Moore	Thomas (GA)
Gingrich	Moorhead	Valentine
Glickman	Mrazek	Vander Jagt
Goodling	Murphy	Volkmer
Gordon	Murtha	Vucanovich
Gradison	Myers	Walgren
Gregg	Natcher	Walker
Gunderson	Nelson	Watkins
Hall (OH)	Nichols	Weber
Hall, Ralph	Nielson	Wheat
Hamilton	Olin	Whittaker
Hammerschmidt	Oxley	Whitten
Hansen	Packard	Wolf
Hendon	Parris	Wortley
Henry	Pashayan	Wylie
Hiler	Pease	Young (AK)
Hillis	Penny	Young (FL)
Holt	Petri	Young (MO)
Hopkins	Porter	
Huckaby	Pursell	
Hughes	Quillen	
Hunter	Ray	
Hutto	Regula	

NOES—180

Ackerman	Chappell	Fascell
Akaka	Clay	Fazio
Alexander	Coleman (TX)	Feighan
Anderson	Collins	Fish
Atkins	Conte	Flippo
AuCoin	Conyers	Florio
Barnes	Cooper	Foglietta
Bates	Coyne	Foley
Bennett	Crockett	Ford (MI)
Berman	de la Garza	Ford (TN)
Biaggi	Derrick	Frank
Bilirakis	Dicks	Fuqua
Boehlert	Dingell	Garcia
Boggs	DioGuardi	Gaydos
Boland	Dixon	Gejdenson
Boner (TN)	Donnelly	Gekas
Bonior (MI)	Downey	Gephardt
Bonker	Durbin	Gonzalez
Borski	Dwyer	Gray (IL)
Bosco	Dymally	Gray (PA)
Boxer	Early	Green
Brown (CA)	Edgar	Guarini
Bruce	Edwards (CA)	Hatcher
Burton (CA)	Erdreich	Hayes
Bustamante	Evans (IL)	Hefner
Hertel	McKernan	Shelby
Horton	McKinney	Sikorski
Howard	Mica	Skelton
Hoyer	Mikulski	Smith (FL)
Hubbard	Mineta	Snowe
Johnson	Mitchell	Solarz
Jones (NC)	Moakley	Spratt
Kanjorski	Morrison (CT)	St Germain
Kaptur	Neal	Staggers
Kastenmeier	Nowak	Stallings
Kennelly	Oakar	Stark
Kildee	Oberstar	Stokes
Kleczka	Obey	Stratton
Kolter	Ortiz	Studds
Kostmayer	Owens	Swift
LaFalce	Panetta	Tallon
Lantos	Pepper	Torres
Lehman (CA)	Perkins	Towns
Lehman (FL)	Price	Traficant
Leland	Rahall	Traxler
Lent	Rangel	Udall
Levin (MI)	Reid	Vento
Lewis (FL)	Richardson	Visclosky
Long	Rinaldo	Waxman
Lowry (WA)	Rodino	Weaver
Luken	Roe	Weiss
Manton	Rowland (CT)	Whitley
Markey	Rowland (GA)	Williams
Martinez	Roybal	Wirth
Matsui	Sabo	Wise
Mavroules	Savage	Wolpe
Mazzoli	Scheuer	Wright
McDade	Schneider	Wyden
McGrath	Schroeder	Yates
McHugh	Schumer	Yatron

NOT VOTING—30

Badham	Grotberg	Morrison (WA)
Breaux	Hartnett	O'Brien
Brooks	Hawkins	Pickle
Campbell	Heftel	Rose
Chappie	Kramer	Schulze
Coelho	Levine (CA)	Stump
Davis	Lloyd	Torricelli
Dellums	Lundine	Whitehurst
Fiedler	Miller (CA)	Wilson
Gilman	Mollohan	Zschau

The Clerk announced the following pair:

On this vote:

Mr. Pickle for, with Mr. Dellums against.

Mr. ROWLAND of Connecticut changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1435

AMENDMENT OFFERED BY MR. MANTON

Mr. MANTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MANTON: Page 48, strike lines 8 and 9 and insert the following (and conform the table of contents accordingly):

SEC. 205. VOUCHER DEMONSTRATION PROGRAM.

(a) USE OF VOUCHERS IN CONNECTION WITH RENTAL REHABILITATION.—The first sentence of section 8(o)(3) of the United States Housing Act of 1937 is amended—

(1) by striking "or" before "(C)"; and

(2) by inserting before the period at the end the following: ", or (D) a family residing in a project being rehabilitated under section 17 that is determined to be a lower income family at the time it initially rceives assistance and whose rent after rehabilitation would exceed 30 percent of the monthly adjusted income of the family".

(b) USE OF VOUCHERS IN CONNECTION WITH COOPERATIVE AND MUTUAL HOUSING.—Section 8(o)(8) of the United States Housing Act of 1937 is amended by striking the following: "not to exceed 5 per centum of the amount of".

Page 48, line 10, insert before "Section" the following: "(c) ADMINISTRATIVE EXPENSES.—".

Mr. MANTON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MANTON. Mr. Chairman, the first part of my amendment would permit the use of vouchers to prevent the displacement of low income tenants in projects rehabilitated under the rental rehabilitation program. Under current law, a tenant must actually be displaced due to higher rents after the rehabilitation in order to qualify for voucher assistance. HUD supports this technical change in the law.

The second part of my amendment would eliminate the current restriction that prevents local housing authorities from using any more than 5 percent of the voucher allocation to assist families in low-income cooperatives. This arbitrary limitation makes it very difficult for housing authorities to use rental rehab funds to rehabilitate buildings that will be converted to low-income coops.

For example, in New York City we have found that the use of the low-income co-op is a highly cost-effective way to provide housing for very poor families. HUD supports this change.

In New York City we have about 4,000 units ready to be converted into low-income co-ops. This takes properties that have been taken from nonpayment of taxes and owned by the city to be rehabbed with the tenants kept in place. They make a small equity payment. The property is then owned by a cooperative corporation, and it is back on the tax rolls. If this amendment were not passed, we would be limited to only about 200 vouchers. I must add that HUD also supports this amendment.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield?

Mr. MANTON. I yield to the gentleman from Texas.

Mr. GONZALEZ. I thank the gentleman for yielding.

Mr. Chairman, as the gentleman knows, his amendment was an integral part of H.R. 1. It is a proper amendment. It adds to the quality of the legislation, and we certainly accept it on our side.

Mr. McKINNEY. Mr. Chairman, will the gentleman yield?

Mr. MANTON. I yield to the gentleman from Connecticut.

Mr. McKINNEY. I thank the gentleman for yielding.

Mr. Chairman, this Member of the minority has no opposition to the

amendment of the gentleman. It was a part of H.R. 1, and I am glad to see the gentleman has put it in.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. MANTON].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ROTH

Mr. ROTH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROTH:

Page 48, strike lines 8 and 9 and insert the following (and conform the table of contents accordingly):

SEC. 205. VOUCHER DEMONSTRATION PROGRAM.

(a) OPERATION OF PROGRAM.—Section 8(o) of the United States Housing Act of 1937 is amended—

(1) in the first sentence of paragraph (1), by striking "In" and all that follows through ", the" and inserting "The";

(2) by striking paragraph (4);

(3) by redesignating paragraphs (5) through (8) as paragraphs (4) through (7), respectively; and

(4) in paragraph (5), as so redesignated by this subsection, by striking "an initial" and inserting "a".

Page 48, line 10, insert before "Section" the following: "(b) ADMINISTRATIVE FEES.—".

Page 48, line 11, strike "is amended" and insert the following: "(as amended by subsection (a) of this section) is further amended".

Page 48, line 13, strike "(9)" and insert "(8)".

Mr. ROTH (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. ROTH. Mr. Chairman, the amendment I am offering to the amendment in the nature of a substitute is clear and straightforward. It is an amendment which was accepted on a bipartisan basis during the Banking Committee's markup.

Briefly, this amendment establishes a freestanding Housing Voucher Program.

Currently, the Housing Act contains a requirement that substantially all housing vouchers be used in connection with the Rental Rehabilitation Program. My amendment dissolves that link and allows vouchers to be used freely throughout the entire market.

I believe vouchers are the wave of the future in terms of housing assistance for low-income families. This amendment removes the obstacles to wider experimentation with vouchers and frees up the program to operate more widely and more effectively.

The Voucher Program is primarily an extension and refinement of the highly successful and well-accepted section 8 existing program. Some 800,000 low-income families today utilize section 8 existing to find shelter. Now is the time to build on the success of the section 8 existing program and establish freestanding vouchers.

The Housing Voucher Program offers greater freedom of choice than any other Rental Housing Program. It allows participating families to decide for themselves the tradeoff between choice of neighborhood amenity level and style of housing, and the share of the family budget they wish to devote to housing.

The voucher subsidy is based on a payment standard rather than on the amount the family actually pays for rent. Therefore, the family can rent a unit which is more expensive than the payment standard if they choose, or they can rent a less expensive unit without having their subsidy reduced.

Vouchers essentially act as income supplements to improve a low-income family's ability to meet its shelter needs. The voucher allows an assisted family to obtain decent, safe, and sanitary rental housing and guarantees payment to the landlord for a portion of the rent. The voucher approach makes use of existing rental stock on the private market and encourages recipients to shop for units.

Vouchers are much less costly and more efficient than new construction programs. They can serve families immediately. They are more portable than other types of housing assistance, and they allow recipients the maximum amount of freedom of choice and flexibility.

Mr. Chairman, numerous studies document that the predominant housing problem for low-income Americans today is the affordability—not availability—of shelter. The Voucher Program is a cost-effective, proven means of providing that shelter.

This amendment simply removes the requirement that substantially all vouchers be used in conjunction with the Rental Rehabilitation Program, which is in section 17 of the Housing Act.

This amendment does not replace any existing element of our Nation's housing program. It does not change the demonstration status of the Voucher Program. My amendment simply says that if we are going to determine, once and for all, whether the Voucher Program has a future many believe it has, we should be willing to give it a fair test.

Our goal is an efficient, equitable, responsive, and flexible housing program. This amendment promotes that goal.

I urge my colleagues to accept this vital and necessary amendment.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield?

Mr. ROTH. I would be happy to yield to the gentleman from Texas.

Mr. GONZALEZ. I thank the gentleman for yielding.

Mr. Chairman, as the distinguished gentleman knows, despite my grave serious doubts about voucher programs and the fact that the administration itself has abandoned them, during markup we accepted, I helped and we accepted the amendment of the gentleman, and I have no reason not to do so now. As a matter of fact, it should have been incorporated in our substitute version. This amendment is acceptable and we thank the gentleman. I hope the gentleman will help us in our continued efforts to bring about an authorization bill.

Mr. McKINNEY. Mr. Chairman, will the gentleman yield?

Mr. ROTH. I yield to the gentleman from Connecticut.

Mr. McKINNEY. I thank the gentleman for yielding.

Mr. Chairman, I congratulate the gentleman on this amendment. It is certainly accepted on this side of the aisle.

Mr. ROTH. I thank the subcommittee chairman and our ranking member for their statements and appreciate their support.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. ROTH].

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. BURTON OF CALIFORNIA

Mrs. BURTON of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. BURTON of California: Page 90, after line 4, insert the following new section (and conform the table of contents accordingly):

SEC. 245. PROCEDURES AND POLICIES FOR MANDATORY MEAL PROGRAMS IN ASSISTED HOUSING FOR THE ELDERLY.

(a) EXEMPTIONS FROM MEAL PROGRAMS.—

(1) REQUIRED EXEMPTIONS.—The owner of any assisted housing for the elderly that requires tenants to participate in a meal program shall grant a tenant an exemption from such participation if—

(A) the program cannot satisfactorily accommodate the special dietary or health needs of the tenant, as certified by the physician of the tenant;

(B) the program cannot satisfactorily accommodate the special diet or food practices of the tenant;

(C) participation in the program substantially interferes with the employment of the tenant; or

(D) participation in the program constitutes an unbearable financial hardship on the tenant, taking into consideration the cost to the tenant of meals not covered by the program and other necessary living costs remaining after payment of charges for the program.

(2) ADDITIONAL EXEMPTIONS.—The owner of any assisted housing for the elderly that requires tenants to participate in a meal program may grant a tenant an exemption from such participation for any additional reason determined by the owner to be appropriate.

(b) FINANCIAL ASSISTANCE.—The owner of any assisted housing for the elderly that requires tenants to participate in a meal program may, in lieu of granting an exemption under subsection (a)(1)(D), provide the

tenant with financial assistance toward the cost of participation in the program.

(c) ACCEPTANCE OF FOOD STAMPS AS PAYMENT.—The owner of any assisted housing for the elderly that requires tenants to participate in a meal program shall accept food stamps toward payment for the meals included in such program.

(d) DEFINITIONS.—For purposes of this section:

(1) The term "assisted housing" means housing that is assisted under section 202 of the Housing Act of 1959, section 236 of the National Housing Act, or section 8 of the United States Housing Act of 1937.

(2) The term "elderly" means any individual who is not less than 62 years of age or any family the head of which (or whose spouse) is not less than 62 years of age.

(e) REGULATIONS.—The Secretary of Housing and Urban Development shall issue such regulations as may be necessary to carry out this section.

Mrs. BURTON of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. BURTON of California. Mr. Chairman, I am offering this amendment today to provide relief for individuals living in federally assisted housing for the elderly who are participants in mandatory meals programs.

The Department of Housing and Urban Development permits owners of section 202 housing projects for the elderly to adopt a mandatory meal policy that requires residents to purchase meals as a condition of occupancy. HUD intends this policy to benefit elderly residents by providing them with balanced meals and an increased opportunity to socialize with others.

These are very worthy goals, and there are places where these programs are problem free. I know, for instance, that my colleagues SANDER LEVIN and BRUCE VENTO have highly successful mandatory meal programs in their districts.

My amendment will promote an equitable, commonsense solution which will not interfere with the operation of successful mandatory meal programs. My amendment will require that tenants living in federally assisted housing with a mandatory meal program be provided an exemption from participation in that program under certain circumstances. For instance, a tenant will be provided an exemption if the meals program cannot meet dietary or health needs which have been certified by the tenant's physician.

If the meals program substantially interferes with a tenant's employment, or if participation in the program constitutes an unbearable financial burden, the tenant may be exempted.

The amendment also authorizes the acceptance of food stamps as payment for meals and requires the owners of assisted housing with mandatory meals programs to offer financial assistance to those tenants who demonstrate financial hardship.

Mr. Chairman, these exemptions from, and modifications of, the mandatory meals program are a judicious response to the legitimate grievances expressed by seniors participating in these programs.

We really can do no less. In areas of the country such as San Francisco and New York, for example, housing availability is declining and there is an acute shortage of federally assisted housing for the elderly, many of whom have very long waiting lists. In my opinion, there simply is no justification for telling an elderly individual who has been waiting a long period of time for an opening in a federally assisted 202 project that "yes, you may now have a space here but you must also pay for a meals program that you may not need or like." Many of my colleagues know that I had originally intended to offer a more far-reaching amendment, separating the meals contract as a condition of occupancy. This amendment, however, represents the consensus arrived at by a number of Members—from both sides of the aisle—interested in the operation of a mandatory meal program.

It is my understanding that the committee has agreed to hold hearings on this issue next year. I appreciate this response from the committee and believe a hearing will provide a useful forum for examining this program more thoroughly.

Finally, I would like to thank the members of the committee who have worked with me in such an open and constructive manner.

I would particularly like to thank Representatives LEVIN and VENTO, as well as Representatives MCKINNEY and WYLIE, for their unyielding devotion to the genuine needs of this Nation's elderly population.

Mr. VENTO. Mr. Chairman, will the gentlewoman from California yield?

Mrs. BURTON of California. I yield to the gentleman from Minnesota.

Mr. VENTO. I thank the gentlewoman for yielding.

Mr. Chairman, I thank the gentlewoman for her amendment. I think it is a good one as it is resulting here. I just want to point out that these mandatory meal contracts are important because very often when the public housing was constructed, the 202 housing, they provided the physical facilities and the program. The fact is that very often these mandatory meal programs permit individuals living in senior citizen housing to avoid being placed in nursing care facilities that require more intense care. So the fact is that the contracts are provided for them, these exemptions are reasonable considering that they are providing some relief for people who might be in there whose circumstances change or who want reasonable exemptions.

The CHAIRMAN. The time of the gentlewoman from California [Mrs. BURTON] has expired.

(On request of Mr. VENTO and by unanimous consent Mrs. BURTON of California was allowed to proceed for 2 additional minutes.)

Mr. VENTO. Mr. Chairman, will the gentlewoman continue to yield?

Mrs. BURTON of California. I continue to yield to the gentleman from Minnesota.

Mr. VENTO. I thank the gentlewoman.

So the fact is that I think we have got a solution here that is workable and, hopefully, it will provide the basis for programs that will be in place to provide the better parts of the program and relief where it is necessary.

I want to commend the gentlewoman and the others who have worked on this issue and thank her for yielding.

Mr. BARTLETT. Mr. Chairman, will the gentlewoman yield?

Mrs. BURTON of California. I yield to the gentleman from Texas.

Mr. BARTLETT. I thank the gentlewoman for yielding.

Mr. Chairman, I support the gentlewoman in her amendment and really appreciate the way she has gone about working on this. The issue, as the gentlewoman from California stated, is one of freedom of choice so that people will have the opportunity to make their own decisions. I appreciate her leadership on this issue.

Mr. MCKINNEY. Mr. Chairman, will the gentlewoman yield?

Mrs. BURTON of California. I yield to the gentleman from Connecticut.

□ 1450

Mr. MCKINNEY. Mr. Chairman, I would just like to congratulate the gentlewoman from California [Mrs. BURTON] on the amendment. I think it is very necessary, and it has been for a long time. It has been straightened out.

I am especially appreciative of the fact that the gentlewoman has constantly come to the ranking member and to the chairman to discuss this amendment to make sure that it is as palatable as it could possibly be.

Mr. Chairman, it has long been needed, as far as I am concerned, and I am going to accept it.

Mr. WEISS. Mr. Chairman, I rise in strong support of the amendment offered by the gentlewoman from California.

This amendment is one step forward in the fight to end the practice in some federally subsidized housing projects of forcing elderly residents to pay for mandatory meals that they cannot eat, cannot afford, or do not want.

There can be no doubt that providing meals in federally assisted housing for the elderly is an important and desirable service. However, while a majority of meals programs in section 202 and section 8 housing facilities are operated on a voluntary basis, some meals projects require residents to participate in a meals program as a condition of occupancy.

Because there is a crisis in the availability of affordable housing, many low-income tenants have only two alternatives: participate in a mandatory meals program or forego the opportunity to obtain decent housing.

Proponents of mandatory meals contend that these programs are needed to prevent isolation of the elderly and to meet their social needs. This argument is patronizing and ageist. By law, these housing facilities are designed for individuals capable of independent living. If elderly tenants are capable of independent living, they are certainly also capable of deciding if and when they want to socialize.

Advocates of mandatory meals also assert that the mandatory nature of the program is necessary for cost reasons. They contend that they would not be able to operate a meals program at all if some tenants were given the option of not participating in these programs.

However, these same advocates of mandatory meals are also quick to point out that, according to a Government Accounting Office [GAO] study released last year, a majority of participants in these programs appear to be satisfied with the program. That same study found that of the 512 sample projects with meals programs, only 98 programs were mandatory. These figures strongly suggest that meals programs can be operated successfully on a voluntary basis.

Recently published regulations by the Department of Housing and Urban Development do permit an exemption from participation in the mandatory meals programs for medical and employment reasons. However, there is currently no exemption for those whose participation in the program will constitute an unbearable financial hardship.

The amendment before us will permit such an exemption for those who cannot afford to participate in the meals program. Further, it will require that project owners accept food stamps toward payment for meals. The amendment also permits owners to exempt tenants for other reasons and allows owners to pay part of a tenant's meal costs rather than exempt them from the program. Finally, the amendment would write into law the requirement that owners exempt tenants for dietary or health reasons or if participation in the program substantially interferes with the tenant's employment.

This amendment consititutes an improvement for those elderly tenants who are subjected to a mandatory meals program against their will, and I urge all of my colleagues to support it.

However, it is only a first step. In New York City, the residents of St. Margaret's House, a federally assisted facility with a mandatory meals program, have banded together in a group known as Senior Citizens Fighting Mandatory Meals to call for the elimination of mandatory meals programs. They have testified at a hearing here in Washington, and they filed suit to prevent the operation of the mandatory meals program. They are joined in their efforts by a grassroots network of seniors and legal aid attorneys around the Nation who are seeking an end to these demeaning, unfair, and burdensome programs.

I admire the conviction and perseverance of these activists, and I am hopeful that passage of this amendment will be followed by additional efforts to forbid mandatory meals projects in federally supported housing or, short of that, to make other improvements for the tenants. We can and should take action to separate the meals service contracts from the housing lease; to prohibit eviction for nonpayment of the meals contract; to provide an exemption from the meals program for religious reasons; and to provide refunds or excuse tenants from payment during periods of extended absence. We should also place a moratorium on the establishment of new mandatory meals programs and call for a comprehensive study of the cost effectiveness of mandatory meals programs as compared with comparable voluntary programs.

The issue of mandatory meals is an important part of the movement for respect and equal treatment of all elderly individuals. The issue is whether elderly citizens capable of independent living have the right to decide when, where, and what to eat if they choose to live in federally subsidized housing. So long as mandatory meals programs continue to operate, this right will continue to be violated on a daily basis.

AMENDMENT OFFERED BY MR. MORRISON OF CONNECTICUT TO THE AMENDMENT OFFERED BY MRS. BURTON OF CALIFORNIA

Mr. MORRISON of Connecticut. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. MORRISON of Connecticut to the amendment offered by Mrs. BURTON of California: Page 2, after line 18, insert the following new subsection (and redesignate the subsequent subsections and any references to such subsections, accordingly):

(d) NOTICE AND RIGHT-TO-CONTEST.—

(1) The owner of any assisted housing for the elderly that requires tenants to participate in a meals program shall inform tenants of the exemptions listed under paragraph (a)(1) of this section and any additional exemptions determined by the owner to be appropriate under paragraph (a)(2) of this section, as well as the right to appeal a denial of exemption pursuant to paragraph (d)(2).

(2) The tenant shall have the right to appeal any denial of a request for exemption to the Secretary or his designee and the Secretary or his designee is authorized to hear and decide such appeals.

(3) Before taking any legal action to recover payment or evict any tenant for failure to participate in a required meals program, the owner of such a project shall comply with this subsection.

Mr. MORRISON of Connecticut (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. MORRISON of Connecticut. Mr. Chairman, this is a technical amendment which merely adds to the amendment of the gentlewoman from California. The gentlewoman's amendment provides for certain exemptions. What my amendment does is to provide the enforcement mechanism so that they will actually be recognized, and it is really a technical amendment which does nothing but help the gentlewoman's amendment in terms of implementation.

Mr. Chairman, I believe that it is acceptable to all the supporters of the gentlewoman's amendment.

Mrs. BURTON of California. Mr. Chairman, will the gentleman yield?

Mr. MORRISON of Connecticut. I yield to the gentlewoman.

Mrs. BURTON of California. Mr. Chairman, the amendment is acceptable to me.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield?

Mr. MORRISON of Connecticut. I yield to the chairman of the subcommittee.

Mr. GONZALEZ. Mr. Chairman, I thank the distinguished gentleman from Connecticut for yielding to me.

Mr. Chairman, I certainly have had an opportunity to study both the amendment of the gentlewoman from California as well as the amendment to the amendment. It is acceptable.

I am convinced, however, that ultimately the best long-term solution is to permit only voluntary programs in federally assisted housing programs and to make certain the contract for the meals is separate from the lease for the apartment. As the GAO study pointed out, 81 percent of the elderly projects that have meals programs offer them on a voluntary basis and the voluntary programs were as financially viable as mandatory programs. In addition, if the free market means anything it means satisfied customers will buy good quality products if the prices are reasonable. In a mandatory program if tenants are dissatisfied with either the quality of the meal or the cost, but are threatened with eviction from their home for failing to pay for unsatisfactory meals, those tenants have lost the leverage we prize so highly in a free society—the leverage to buy better meals at better prices elsewhere.

When HUD issues final regulations governing this program, they should include equitable policies designed to assure no low-income elderly tenants will lose the roofs over their heads because they object to being forced to pay for unsatisfactory meals on their tables.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. MORRISON of Connecticut. I yield to the gentleman.

Mr. VENTO. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I want to thank the gentleman from Connecticut for his work on this. I think the gentleman points out the necessity that, if we are going to have exemptions, there has to be a notice and enforcement mechanism. I think this is a reasonable one that will not be burdensome.

I also want to point out that we ought to try this exemption route before we completely dispose of the mandatory meals program.

I think this is a good compromise in the sense that we do not have an all or nothing type of win here. But we are trying a middle ground and recognizing the many projects that have been put on line from an economic standpoint where this does work out very well and keeps people out of more intensive care types of facilities such as nursing care facilities.

I hope that we will keep that in mind in terms of what the actual effect of these so-called mandated meal programs are.

Mr. McKINNEY. Mr. Chairman, will the gentleman yield?

Mr. MORRISON of Connecticut. I yield to the gentleman.

Mr. McKINNEY. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, this gentleman from Bridgeport, CT, accepts the amendment, and I am delighted the gentleman has the same sort of sense of compromise in talking to us all and getting this all done. We are thankful for it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut [Mr. MORRISON] to the amendment offered by the gentlewoman from California [Mrs. BURTON].

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California [Mrs. BURTON] as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. GREEN

Mr. GREEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GREEN: Page 53, after line 19, insert the following new paragraph (and redesignate the subsequent paragraphs accordingly):

(1) in subparagraph (G), by striking "24 months" and inserting "36 months";

Page 54, after line 3, insert the following new subsection:

(c) APPLICABILITY.—The amendment made by subsection (b)(1) shall be applicable to all grantees, including grantees receiving notice of project selection before the date of the enactment of this Act.

Mr. GREEN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GREEN. Mr. Chairman, this amendment has been cleared with the chairmen and the ranking minority members of both the full committee and the subcommittee.

Very simply, it changes the start of construction requirement in the HODAG Program from 24 months to 36 months.

Mr. GONZALEZ. Mr. Chairman, I rise in support of the amendment, and to say that we had an opportunity to know full well the thrust of this amendment. It is acceptable. We consider it an improvement. We on our side accept this amendment.

Mr. McKINNEY. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman.

Mr. McKINNEY. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I would also like to add my comments in support of the amendment of the gentleman from New York and congratulate the gentleman on it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. GREEN].

The amendment was agreed to.

Mrs. SCHNEIDER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have an inquiry regarding the use of HUD's research funds to help public housing authorities reduce their energy needs.

Mr. GONZALEZ. If the gentlewoman will yield, Mr. Chairman, I would be pleased to answer the gentlewoman from Rhode Island.

Mrs. SCHNEIDER. In recent years, HUD has strongly urged local public housing authorities [PHA's] to improve the energy efficiency of their building stock in an effort to reduce the over $1 billion Congress appropriates in operating subsidies each year to pay for energy expenditures. Unfortunately, current provisions of the Performance Funding System [PFS] for public housing require that costs and savings associated with energy conservation retrofits be shared between HUD and the local housing authorities. The present policy provides relatively few incentives for PHA's to invest in conservation. Present policy, for example, can often result in a net loss to the housing authority, even for conservation measures with paybacks under three years.

However, preliminary analyses conducted by the Department of Energy [DOE] indicate that for an investment of several hundred thousand dollars over a 3-year period to develop and test a methodology that can be used to determine the distribution of costs and benefits to each party; that is, HUD and PHA's, under various conservation investment strategies, there would result savings of roughly $100 million in annual energy expenditures and operating subsidies. Could the gentleman tell me how much money is available for HUD's research activities for fiscal years 1986 and 1987? Does the chairman agree that the impressive savings that could result from a small investment in energy conserving research merit immediate attention by HUD?

Mr. GONZALEZ. I agree with the gentlewoman's assessment. There is certainly enough money already appropriated for fiscal year 1986, requested by the administration for fiscal year 1987, and likely to be available for fiscal year 1988 to fund a 3-year research effort. Sixteen million dollars has been appropriated for fiscal year 1986, and the same amount has been authorized and requested for fiscal year 1987. Clearly, HUD should commit some of its research budget to this effort and should initiate an interagency working group with DOE to pursue the research and development work necessary to achieve these savings for public housing projects.

Mrs. SCHNEIDER. I thank the gentleman for the opportunity to raise this important issue and to stress what a cost-effective investment this research would be.

Mr. GONZALEZ. Mr. Chairman, we in turn thank the gentlewoman for this very important issue, one with which the subcommittee has been very much involved. We can assure the gentlewoman of our continuing cooperation in the gentlewoman's endeavor to bring this study about.

Mr. FORD of Tennessee. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the substitute offered by the gentleman from Texas.

Mr. Chairman, I rise today in support of H.R. 1, the Housing Act of 1985. H.R. 1 is a good bill and will remedy many of the injustices created by cuts in our housing programs.

H.R. 1 would protect public housing tenants by reversing cuts in section 8 and section 202 Programs, and extend all HUD-assisted Housing Programs through fiscal year 1987.

Housing and community development programs have suffered devastating cuts during the last few years and the time is past due when we in the Congress of the United States must act responsively.

While I am pleased with the overall effects of H.R. 1, I am even more pleased with the provision of the bill restoring equity to the allocation of UDAG dollars.

I believe that HUD Programs, particularly the UDAG's should be expanded and made more available to more communities. In this regard the changes in the UDAG selection criteria are a move in the right direction toward making access to the funds more equitable and more widespread.

Housing projections through the year 1989 show that there is a desperate need for additional housing—particularly for our poor and our elderly. Building this badly needed housing over the next several years depends on overcoming serious financial and affordability obstacles to new housing construction. These obstacles to new construction will be overcome only through the continuation of HUD Federal Assistance Programs such as UDAG's.

H.R. 1 when passed will meet the critical demands of our communities which are in desperate need of renovation and a physical renaissance.

Mr. Chairman, I urge my colleagues to support H.R. 1.

Mr. BIAGGI. Mr. Chairman, I rise as a cosponsor and strong supporter of H.R. 1, to amend and extend most of the Federal housing assistance programs administered by the Department of Housing and Urban Development and the Farmer's Home Administration.

Clearly, Federal housing assistance for the poor, elderly, and handicapped has dropped far below adequate levels. Consider, for example, that funding for the section 8 rent subsidy program—our Nation's largest housing assistance program—has been cut by 44 percent since 1981.

Those who are forced to rely on Federal housing assistance have also been forced to bear far more than their fair share of the budget cutting burden during recent years. As a result, the number of available low-income housing units in our Nation is rapidly declining and the number of homeless people is growing.

This is an embarrassment for our great Nation, and more importantly, it is a dangerous trend that cannot be allowed to continue.

H.R. 1, and the increased levels of public housing assistance it would provide, will help to improve this critical situation and it merits our support here today.

The bill has many highlights. It would extend through fiscal year 1987 the Federal Housing Administration's authority to provide mortgage insurance to low- and moderate-income homebuyers. It reauthorizes, through fiscal year 1986, FHA's authority to subsidize interest rates on mortgage loans for low-income homebuyers. The bill increases the number of adjustable rate mortgages which the FHA can insure from 10 to 20 percent of the total number of mortgages insured during the previous year.

The bill authorizes such sums as may be necessary for the Community Development Block Grant Program through fiscal year 1987; and phases out, rather than abruptly terminating CDBG funding for cities and urban counties who lose eligibility because of population loss or census redefinition.

This legislation authorizes through fiscal year 1987 such sums as may be necessary for the Urban Development Action Grant Program, a program that has been a crucial part of the economic revitalization effort that has been ongoing in my home district in New York since the program's inception.

H.R. 1 authorizes such sums as may be necessary through fiscal year 1987 for the Rehabilitation Loan Program, which provides loans to low- and moderate-income families for the rehabilitation of urban housing.

As an original member of the House Select Committee on Aging, I am particularly pleased to note that the bill authorizes such sums as are necessary through fiscal year 1987 for elderly and handicapped housing, as well as congregate services, section 8 low-income assistance, housing vouchers, and rental rehabilitation and development grants.

A particular problem affecting my home area of New York City and Westchester County is inadequate assistance for the homeless. H.R. 1 would help to correct this problem by establishing a National Emergency Food and Shelter Board in HUD to oversee the operation of an existing emergency food distribution and shelter program and to administer two new shelter programs. The Board would provide continued assistance for the repair and improvement of emergency shelter facilities; and they would initiate a demonstration program to test the effectiveness of assisting nonprofit organizations providing housing and support services for those homeless individuals who are mentally ill. In addition, the bill authorizes the use of funds to renovate or maintain existing structures for use as emergency shelters, and up to 15 percent of such funds could be used to provide services to the homeless.

Mr. Chairman, I strongly opposed the Gramm-Rudman Balanced Budget Act when it was considered and, after it became law, I was the first to author a bill to repeal it. Quite simply, that law sent a very disturbing and frightening message to the poor, the elderly, the handicapped, and others in need of Federal assistance. I have met with hundreds of these people. I have read their letters and received their phone calls. These people feel abandoned, Mr. Chairman, and they are afraid—afraid they won't have even a roof over their head after Gramm-Rudman and the philosophy that spawned it get through dismantling so many of the Federal Government's most important domestic programs.

Mr. Chairman, today we have a chance to ease those fears; to assure the poor, the elderly, the handicapped, and the homeless that we do care and we will not abandon them. The passage of H.R. 1 would send such a message and I strongly urge my colleagues to join me in supporting it.

Mr. RICHARDSON. Mr. Chairman, I am very concerned about an incident that recently took place in Santa Fe County in my home State of New Mexico.

On March 18, 1986, the Federal Housing Administration announced that the maximum loan limit for single-family homes in Santa Fe County, NM would be increased from $67,000 to $90,000. On May 1, 1986—6 weeks into the process—FHA announced that approval for the increased mortgage had been revoked. Hundreds of my constituents were inconvenienced by this action. The FHA stated that the reasoning behind revoking the order was their efforts to concentrate on lower income individuals. I believe that channeling funds to the most needy is a very honorable goal. But, after I examined the facts, I soon found out that HUD had been inconsistent in implementing this policy. In neighboring Bernalillo County, NM the average cost of a home is $88,500 and there is a FHA loan limit of $90,000. On the other hand, in Santa Fe County where, according to FHA's own figures, the average home cost is $95,000 the loan limit was set at $67,000. This inconsistency made no sense, given the relative costs of housing in both counties.

As the chairman knows, I seriously considered an amendment to H.R. 1 that would have prohibited the Department of Housing and Urban Development from revoking a loan level increase for 1 year after the announcement of such an increase. But because I feel that H.R. 1 should move quickly and with minimal difficulty and because I have been assured by the Department of Housing and Urban Development that this situation has been resolved and my constituents will soon be getting the loans promised them, I will not pursue my amendment. I want to go on record here and say that I do not want to have my constituents put through this kind of ordeal again. I want to publicly alert the chairman to this unfortunate situation and urge him to take strong legislative action, should this occur again. I would like to thank the chairman for all his help in this matter.

Mr. GONZALEZ. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

□ 1500

Accordingly the Committee rose; and the Speaker pro tempore [Mr. MURTHA] having assumed the chair, Mr. AUCOIN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1) to amend and extend certain laws relating to housing, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the debate during the amendatory process of H.R. 1.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON FINANCIAL INSTITUTIONS SUPERVISION, REGULATION AND INSURANCE OF THE COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS TO SIT ON JUNE 11 AND 12, 1986, DURING THE 5-MINUTE RULE

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the Subcom-

mittee on Financial Institutions Supervision, Regulation and Insurance of the Committee on Banking, Finance and Urban Affairs be permitted to sit next Wednesday and Thursday for the consideration of H.R. 4701, the so-called Emergency Acquisition bill, and H.R. 4907, the Federal Savings and Loan Insurance Corporation Recapitalization bill.

This has been cleared by the minority.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. McKINNEY. Mr. Speaker, reserving the right to object, I spoke to the gentleman from Ohio [Mr. WYLIE], and he agrees that that is perfectly all right. There is no objection.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 4784, TRANSFER OF JURISDICTION TO THE DISTRICT OF COLUMBIA OF CERTAIN PROPERTY FOR USE AS HOMELESS SHELTER

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 464 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 464

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4784) to require the transfer of jurisdiction to the District of Columbia over certain property to permit such property to be used as a shelter for the homeless, and the first reading of the bill shall be dispensed with. All points of order against the consideration of the bill for failure to comply with the provisions of clause 2(l)(6) or rule XI are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Government Operations, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 4784, the Committee on Government Operations shall be discharged from the further consideration of the bill S. 2251, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and to insert in lieu thereof the provisions contained in H.R. 4784 as passed by the House.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], and pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 464 is the rule providing for the consideration of the bill H.R. 4784, which would transfer the jurisdiction of property that provides shelter for the homeless, from the Federal Government to the District of Columbia.

The rule provides 1 hour of general debate, equally divided between the chairman and ranking minority member of the Committee on Government Operations.

Mr. Speaker, points of order against consideration of this legislation for failure to comply with clause 2(l)(6) of rule XI, that is the 3-day layover requirement for committee reports, are waived. The Committee on Government Operations had agreed not to file the report until Tuesday, June 3, this was to allow minority members of the committee to file their dissenting views on this legislation. Since the printed copy of the report has not been available for the required 3 days, a waiver of clause 2(l)(6) is necessary.

Mr. Speaker, the rule provides for one motion to recommit, and after passage of H.R. 4784, the rule provides for a hookup with the Senate passed bill S. 2251.

H.R. 4784 is a bill that would require the transfer of jurisdiction over the federally owned property at 425 Second Street NW., Washington, DC, to the government of the District of Columbia. The building on that site would be used as a shelter for homeless individuals in the District and would be operated and maintained by the Community for Creative Nonviolence.

The transfer of the property would be administered by the General Service Administration within 5 days of the date of enactment of H.R. 4784. By transfering jurisdiction of the property instead of the title, H.R. 4784 would assure that the property would continue to be used as a shelter and for health services.

Mr. Speaker, this shelter has provided much needed care to as many as 1,000 homeless persons a night for the past 2 years. The passage of H.R. 4784, and the smooth transfer of jurisdiction will enable the administration to make available to the District of Columbia, $5 million that the administration had earlier agreed to for renovations and repairs, so that the shelter can be ready for next winter.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the rule has been ably explained by the gentleman from Massachusetts [Mr. MOAKLEY].

Members will recall that the administration, the District of Columbia and a group called the Community for Creative Nonviolence reached an agreement last March providing for the Federal Government to transfer jurisdiction over a federally owned building here in Washington to the D.C. government in order to provide shelter for homeless people. The agreement also provides that Federal funds would be made available to the D.C. government to pay for rehabilitation and renovation of the building which has been used as a shelter since 1984.

This bill does not provide any money. What it does is transfer jurisdiction over this property to the District of Columbia in order to implement part of the March agreement.

Members have different views regarding the March agreement and regarding this bill. This open rule allows their views to be expressed fully, and germane amendments may be offered. If the March agreement is to be honored, however, prompt action is required because work must begin at once if the building is to be ready before harsh winter sets in. We know how badly quarters are needed for the homeless.

Mr. Speaker, I urge adoption of the rule.

Mr. Speaker, I have no requests for time.

Mr. MOAKLEY. Mr. Speaker, I have no requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 4116, DOMESTIC VOLUNTEER SERVICE ACT AMENDMENTS OF 1986

Mr. HALL of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 463 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 463

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4116) to extend the Volunteers in Service to America (VISTA) Program under the Domestic Volunteer Service Act of 1973, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and to the amendment made in order by this resolution and which shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment

in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, each section of said substitute shall be considered as having been read, and all points of order against said substitute for failure to comply with the provisions of clause 7 of rule XVI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. HALL] is recognized for 1 hour.

Mr. HALL of Ohio. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], for purposes of debate only, pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 463 is an open rule providing for the consideration of H.R. 4116, the Domestic Volunteer Service Act Amendments of 1986.

The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor.

The rule makes in order the Education and Labor Committee amendment in the nature of a substitute now printed in the bill as original text for the purpose of amendment under the 5-minute rule. Each section of the substitute shall be considered as having been read.

It should be noted that the rule waives all points of order against the substitute for failure to comply with the provisions of clause 7 of rule XVI. This is the prohibition against nongermane amendments. This technical waiver is necessary because an amendment making permanent changes in law is not germane to a bill authorizing appropriations for 1 fiscal year. The bill H.R. 4116 provides for 1-year authorizations of programs under the Domestic Volunteer Service Act; however, the committee amendment in the nature of a substitute provides several permanent changes in law. For this reason, a technical waiver is needed.

Finally, the rule provides one motion to recommit with or without instructions.

As reported, H.R. 4116 provides for a 3-year reauthorization of the National Volunteer Anti-Poverty Programs, including VISTA, the Service Learning Programs, and the Special Volunteer Programs. The bill further extends for 3 years the National Older Americans Volunteer Programs, including the Retired Senior Volunteer Program, Foster Grandparents, and the Senior Companions Programs. These programs offer Americans of all ages the chance to lend a helping hand to their neighbors in need. Both the volunteers and the communities in which they serve benefit from the Domestic Volunteer Service Act programs.

I am not aware of any opposition to this open rule, and I urge my colleagues to adopt it.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I know of no objection to this open rule. It does extend a number of domestic volunteer programs which are badly needed.

I have heard comment that the authorization levels are increased too much, but under an open rule this issue can be resolved.

Mr. Speaker, I urge adoption of the rule.

I have no requests for time, and I urge adoption of the rule.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. QUILLEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device and there were—yeas 395, nays 1, not voting 37, as follows:

[Roll No. 150]

YEAS—395

Ackerman	Boehlert	Cheney	Dingell	Kemp	Petri
Akaka	Boggs	Clay	DioGuardi	Kennelly	Porter
Alexander	Boland	Clinger	Dixon	Kildee	Price
Anderson	Boner (TN)	Coats	Donnelly	Kindness	Pursell
Andrews	Bonior (MI)	Cobey	Dorgan (ND)	Kleczka	Quillen
Annunzio	Bonker	Coble	Dornan (CA)	Kolbe	Rahall
Anthony	Borski	Coleman (MO)	Dowdy	Kolter	Rangel
Applegate	Bosco	Coleman (TX)	Downey	Kostmayer	Ray
Archer	Boucher	Collins	Dreier	LaFalce	Regula
Armey	Boulter	Combest	Duncan	Lagomarsino	Reid
Aspin	Boxer	Conte	Durbin	Lantos	Richardson
Atkins	Brooks	Conyers	Dwyer	Latta	Ridge
AuCoin	Broomfield	Cooper	Dymally	Leach (IA)	Rinaldo
Barnard	Brown (CA)	Coughlin	Dyson	Leath (TX)	Ritter
Barnes	Brown (CO)	Courter	Early	Lehman (CA)	Roberts
Bartlett	Broyhill	Coyne	Eckart (OH)	Lehman (FL)	Robinson
Barton	Bruce	Craig	Eckert (NY)	Leland	Rodino
Bateman	Bryant	Crockett	Edgar	Lent	Roe
Bates	Burton (CA)	Daniel	Edwards (CA)	Levin (MI)	Roemer
Bedell	Burton (IN)	Dannemeyer	Edwards (OK)	Levine (CA)	Rogers
Beilenson	Bustamante	Darden	Emerson	Lewis (CA)	Rostenkowski
Bennett	Byron	Daschle	English	Lewis (FL)	Roth
Bentley	Callahan	Daub	Erdreich	Lightfoot	Roukema
Bereuter	Carney	de la Garza	Evans (IL)	Lipinski	Rowland (CT)
Berman	Carper	DeLay	Fascell	Livingston	Rowland (GA)
Bevill	Carr	Derrick	Fawell	Loeffler	Rudd
Biaggi	Chandler	DeWine	Fazio	Long	Russo
Bilirakis	Chapman	Dickinson	Feighan	Lott	Sabo
Bliley	Chappell	Dicks	Fields	Lowery (CA)	Savage
			Fish	Lowry (WA)	Saxton
			Flippo	Luken	Schaefer
			Florio	Lungren	Scheuer
			Foglietta	Mack	Schneider
			Foley	Madigan	Schroeder
			Ford (MI)	Manton	Schuette
			Ford (TN)	Markey	Schumer
			Fowler	Marlenee	Seiberling
			Frank	Martin (IL)	Sensenbrenner
			Franklin	Martin (NY)	Sharp
			Frenzel	Martinez	Shaw
			Frost	Matsui	Shelby
			Fuqua	Mavroules	Shumway
			Gallo	Mazzoli	Shuster
			Garcia	McCain	Sikorski
			Gaydos	McCandless	Siljander
			Gejdenson	McCloskey	Skeen
			Gekas	McCollum	Skelton
			Gephardt	McCurdy	Slattery
			Gibbons	McDade	Slaughter
			Gilman	McEwen	Smith (FL)
			Gingrich	McGrath	Smith (IA)
			Glickman	McHugh	Smith (NE)
			Gonzalez	McKernan	Smith (NJ)
			Goodling	McKinney	Smith, Denny (OR)
			Gordon	McMillan	
			Gradison	Meyers	Smith, Robert (NH)
			Gray (IL)	Mica	
			Gray (PA)	Michel	Smith, Robert (OR)
			Green	Mikulski	
			Gregg	Miller (OH)	Snowe
			Guarini	Miller (WA)	Snyder
			Gunderson	Mineta	Solarz
			Hall (OH)	Mitchell	Solomon
			Hall, Ralph	Moakley	Spence
			Hamilton	Molinari	Spratt
			Hammerschmidt	Monson	St Germain
			Hansen	Montgomery	Staggers
			Hatcher	Moody	Stallings
			Hayes	Moore	Stangeland
			Hefner	Moorhead	Stark
			Hendon	Morrison (CT)	Stenholm
			Hertel	Morrison (WA)	Stokes
			Hiler	Mrazek	Strang
			Holt	Murphy	Stratton
			Hopkins	Murtha	Studds
			Horton	Myers	Sundquist
			Howard	Natcher	Swift
			Hoyer	Neal	Swindall
			Hubbard	Nelson	Synar
			Huckaby	Nichols	Tallon
			Hughes	Nielson	Tauke
			Hunter	Nowak	Tauzin
			Hutto	Oakar	Taylor
			Hyde	Oberstar	Thomas (CA)
			Ireland	Obey	Thomas (GA)
			Jacobs	Olin	Torres
			Jeffords	Ortiz	Towns
			Jenkins	Owens	Traficant
			Johnson	Packard	Traxler
			Jones (NC)	Panetta	Udall
			Jones (OK)	Parris	Valentine
			Jones (TN)	Pashayan	Vander Jagt
			Kanjorski	Pease	Vento
			Kaptur	Penny	Visclosky
			Kasich	Pepper	Volkmer
			Kastenmeier	Perkins	Vucanovich

Walgren	Whitley	Wright
Walker	Whittaker	Wyden
Watkins	Williams	Yates
Waxman	Wirth	Yatron
Weaver	Wise	Young (AK)
Weber	Wolf	Young (FL)
Weiss	Wolpe	Young (MO)
Wheat	Wortley	

NAYS—1

Crane

NOT VOTING—37

Badham	Henry	Roybal
Breaux	Hillis	Schulze
Campbell	Kramer	Sisisky
Chappie	Lloyd	Stump
Coelho	Lujan	Sweeney
Davis	Lundine	Torricelli
Dellums	MacKay	Whitehurst
Evans (IA)	Miller (CA)	Whitten
Fiedler	Mollohan	Wilson
Grotberg	O'Brien	Wylie
Hartnett	Oxley	Zschau
Hawkins	Pickle	
Heftel	Rose	

□ 1525

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

TRANSFER OF JURISDICTION TO THE DISTRICT OF COLUMBIA OF CERTAIN PROPERTY FOR USE AS HOMELESS SHELTER

The SPEAKER pro tempore. Pursuant to House Resolution 464 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4784.

□ 1533

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4784) to require the transfer of jurisdiction to the District of Columbia over certain property to permit such property to be used as a shelter for the homeless, with Mrs. BURTON of California in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Under the rule, the first reading of the bill is dispensed with.

Pursuant to the rule, the gentleman from Texas [Mr. BROOKS] will be recognized for 30 minutes and the gentleman from California [Mr. MCCANDLESS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

□ 1535

Mr. BROOKS. Madam Chairman, I yield myself such time as I may require.

Madam Chairman, H.R. 4784 would direct the Administrator of General Services to transfer to the government of the District of Columbia jurisdiction over the real property located at 425 Second Street NW. Washington, DC. It would be transferred for the purpose of providing shelter and related services to homeless individuals and for other use in the protection of the public health.

Madam Chairman, this legislation arose out of an agreement last March between the White House, the District of Columbia, and the Community for Creative Non-Violence, the private organization which has operated the shelter for the benefit of as many as 1,000 homeless persons a night since 1984. The agreement provided for the Federal Government to transfer the property to the District and to make available to the District funds for rehabilitation and renovation of the property.

The legislative proposal which the administration sent to Congress pursuant to this agreement would have directed the General Services Administration to transfer full title to the property to the District, without any conditions as to its use.

A number of the members of the Committee on Government Operations, including myself, expressed concern over the unrestricted nature of the administration's proposal and its inconsistency with current law regarding the administration and disposal of Federal property, matters within the jurisdiction of our committee. For that reason, H.R. 4784 was introduced by the Honorable CARDISS COLLINS, chairwoman of our Subcommittee on Government Activities and Transportation, which has jurisdiction over Federal property matters, and the Honorable TED WEISS, chairman of our Intergovernmental Relations and Human Resources Subcommittee, which has jurisdiction over matters of public health and welfare.

H.R. 4784 would transfer jurisdiction over this property to the District under the provisions of 40 U.S.C. 122, which allows such transfer of judisdiction to the District of Columbia for the purpose of administering and maintaining the property. The bill specifies that this transfer would be "for the purpose of providing shelter and related services to homeless individuals in the District of Columbia and for other use in the protection of the public health." In order to expedite this transfer of jurisdiction, the bill directs the Administrator of General Services to take such action within 5 days after the enactment of the bill, and it waives a provision of 40 U.S.C. 122 which would permit review of the action by the National Capital Planning Commission.

Madam Chairman, this bill has been handled by the Committee on Government Operations both with the greatest of care and the greatest of speed. Hearing and markup on H.R. 4784 were held by Mrs. COLLINS' subcommittee on May 15. It was ordered reported by the full Committee on Government Operations on May 22, immediately before the Memorial Day district work period. The report on the bill was filed on Tuesday of this week, the first day of our return from that work period. And, through the cooperation of the Committee on Rules and the leadership of the House, we are taking action on this measure on the floor of the House today.

Madam Chairman, in the interest of allowing early passage of this legislation, my good friend, Congressman RON DELLUMS, chairman of the Committee on the District of Columbia, has waived his request for sequential referral of this bill. Chairman DELLUMS would like to participate in a conference on this measure if such a procedure is necessary, and I am agreeable to such an accommodation.

The reason for this urgency is clear. In order for the shelter to be in condition to serve its purpose during the period of greatest need, the winter months, design and renovation work must begin immediately. It is felt by parties to this transaction the transfer legislation must be enacted prior to commencement of that work. Therefore, I hope the House will consider H.R. 4784 with the efficiency that has marked its course up to this time.

Madam Chairman, I reserve the balance of my time.

Mr. MCCANDLESS. Madam Chairman, I yield myself such time as I may use.

Madam Chairman, there is nothing here in my comments or the comments of those who will follow me that should be interpreted as meaning that we are not in favor of the subject of handling the homeless in the best possible manner; however, this bill is precedent setting.

What do we tell the people of Pennsylvania, what do we tell the people of Illinois, what do we tell the people of California who have similar situations? This is a very unorthodox way of handling this.

There is no contractual agreement between the current people running the shelter and the District of Columbia. There would be no contractual agreement between the Federal Government and the body handling the shelter.

There is no agreement on how much money is to be spent or for what in the renovation of this building, which has a World War II origin and is virtually in shambles.

Now, we deal in a bunch of what-if's and whereas's and we are saying that $5 million is going to come from somewhere and that is going to fix this building up to a code level.

I have personally toured the building, I have a limited knowledge of this kind of thing, but the estimates that I have seen are closer to $10 million than $5 million.

Granted, there is no money in this bill for this purpose, but it is coming from other resources within the Federal Government, so it is public money, public money going to an unaccountable resource to perform a function that is not under contract, and yet we get in a position of dotting our i's and crossing our t's when we talk about community development block grants and all those kinds of things with States, local jurisdictions, counties and cities, and yet we are handling this matter in this way. These are public funds, taxpayers' funds.

This facility represents an investment that can be sold for as much as $22 million, so even though the jurisdiction in this bill is to be passed to the District of Columbia, it is still an asset of the Federal Government and should be run in a manner as any other kind of a grant or categorical aid where you have agreements between the parties involved as to what their performance level is to be and if they are violated, then the proper procedures are taken.

Now, $5 million will not fix this building up. It is said in the testimony that we can raise an additional $2½ million from the private sector. That is $7½ million, but again, Madam Chairman, we are talking about what if we raise the $2.5 million. What if we do not? Then we do not have the necessary funding to put the building back into what would be a livable condition.

Therefore, we see then another knock on the door. The United States is going to be asked to put up some more money because the building does not meet the necessary code standards. It does not do this and does not do that. The air-conditioning does not work properly. The heating does not work properly. The electrical system is substandard.

I ask you to vote against this bill because it is a precedent-setting bill that we cannot justify when approached by other sections and regions of the United States under similar uncertain conditions.

Mr. BROOKS. Madam Chairman, I yield 5 minutes to the gentlewoman from Illinois [Mrs. COLLINS], chairman of the subcommittee.

Mrs. COLLINS. Madam Chairman, as chairwoman of the Government Activities and Transportation Subcommittee, which had the initial responsibility for this bill, I want to express personal appreciation to our subcommittee members for their cooperation and support in achieving such prompt subcommittee and full committee action.

My special appreciation goes to the gentleman from New York [Mr. WEISS], who coauthored the bill with me. His able, dedicated, and sustained attention to this matter helped guide the measure through to its present status before us today. It betokens his great compassion for the homeless generally, and his concern for the need to provide a prompt, workable solution to the urgent problem facing the homeless in the District of Columbia.

To the gentleman from California [Mr. MCCANDLESS], our ranking minority member, I would like to acknowledge the courteous, open, and helpful way in which he and his staff have worked with us on the bill, despite policy differences.

Finally, I want to express appreciation and admiration to the gentleman from Texas, the chairman of the Government Operations Committee, Mr. BROOKS, not only for his concern to provide a shelter building to aid the homeless in the District, but for his able leadership, which has been instrumental in our being able to act so expeditiously on this legislation.

Madam Chairman, I stand in full agreement with this piece of legislation. I think it is a fine piece of legislation.

First of all, let me talk about a couple things. This bill is not a precedent-setting piece of legislation. It is a bill that is based upon existing law. It is something that we have had on the books for quite a long time for the District of Columbia.

The second point I want to make is that the gentleman from California is absolutely right. The building is in need of repair. That is one of the reasons why we want to have this legislation passed as expeditiously as possible so that those repairs can begin before the winter months set in so that it will be a much better place for people who have no homes to go to.

The legislation is a good piece of legislation because it does what everybody wants to have done. Everybody wants to create a shelter for the homeless. Already there have been arrangements made between, as everybody knows in the Washington area, the administration to provide funds, some initial funds, some $970,000 I think it is, to begin fixing up the building and so forth. Everybody knows we need to have homes for those who are homeless.

So far as setting a precedent, this building does not set a precedent. It does not talk about any liability on the Federal Government in the future and so forth, neither does it have the liability for the CCNV. This building, in fact, cannot be sold, as has already been mentioned, because the title does not pass on our bill. If title were to pass, that would be something else, but title does not pass, and therefore is retained by us.

It is a piece of legislation that I think we ought to support. I think it is a worthy piece of legislation.

Mr. MCCANDLESS. Madam Chairman, I yield 7 minutes to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Madam Chairman, as a member of the Subcommittee on Government Activities of the Government Operations Committee, I have seen this legislation through the original hearings and first markup. I can say with confidence that we would be making a precedent setting mistake if we pass this bill.

Immediately you might ask yourself—why would this be a precedent? We transfer control of Federal buildings all the time. The difference—which makes this bill precedent setting—is that we are attempting to do this legislatively.

Because a political activist in Washington, DC, decided he needed a specific Federal building to accomplish his social agenda, the Congress of the United States is tripping over itself to please him. What happens the next time someone has a social goal and they need some Federal property? Do we keep writing bills every time someone commits an act of terror by holding hostage his own life or that of others?

Throughout subcommittee and committee markups some members continually brought up the point that the Community for Creative Nonviolence—the CCNV—and Mr. Mitch Snyder are not mentioned anywhere in the bill—the point being that they should not enter the debate on this bill. But let us be honest, we all know Mr. Snyder is the only reason we're here right now. We can't operate in a vacuum—if you read the transcripts of the hearing—you would see that the representatives of the government of the District of Columbia stated: ". . . We have committed to CCNV. That is going to be our decision . . . (we have no plans) to operate with anyone else." It is obvious that no one has any intention of using anyone other than the CCNV to manage the shelter. So it is incumbent upon us to take a close look at this group and Mr. Snyder. This is especially important since they will be running a building that the Federal Government will be spending $5 million to renovate and will continue to own.

One of the first things that struck me about the CCNV is that they are much more than a samaritan group looking to help the homeless. According to Mr. Snyder they are both a religious group and political activists, which he considers one and the same. When I asked Mr. Snyder if his organization was both a religious organization and a political activist organization he said, "In our opinion, the two are one." Since they are a religious nonprofit group I naturally assumed that they were a tax-exempt organization. To my surprise Mr. Snyder said

that they had chosen not to apply for tax-exempt status. But they don't believe in taxes so they just don't pay. Let me quote Mr. Snyder again, "The letter we send the IRS every year explains we don't believe participatory democracy or democracy means the paying of 15 or 20 or 25 percent of one's income."

We have found that Mr. Snyder's feeling that he is above the law even predates his involvment with the CCNV. In a report detailing Mr. Snyder's criminal record provided to the subcommittee by the FBI, it is apparent that Mr. Snyder has had a pattern of lawlessness. Though he portrays himself as a successful Wall Street executive it seems in 1969 his time in New York was spent opening bank accounts under false names—such as Arthur Sanders and George J. Worts, issuing bad checks, and committing forgery.

In 1969 he was convicted of these crimes: with Arnold Paster, a friend with whom he committed these crimes—Mr. Snyder went West to Las Vegas, NV. There they used a stolen credit card to rent a car which was soon reported stolen. They were then arrested in California. At that point Mr. Snyder used the false name of Mitchell Peters to mask his identity. Does this sound like someone who just happened to be hitch-hiking and just happened to be picked up by someone who stole a car? Of course not. In fact Mr. Snyder was convicted in New York in July 1969 for attempting grand larceny of a car.

Another incident, which I feel is very important to our discussion here, happened in 1974. Mr. Snyder was one of four CCNV members arrested for entering the South Vietnamese overseas procurement office in Washington, DC. He poured a red substance resembling blood on the files, walls, and on other property in the office. They were found guilty of the destruction of property of a foreign government and Mr. Snyder was sentenced to 1 year's probation. This, in itself, is not significant, but the fact that the probation was revoked and he was ordered to serve 3 months is significant.

The probation revocation was due to a letter Mr. Snyder sent to the judge saying that he no longer considered himself on probation and he would no longer continue his commitments to that office. This sounds strangely similar to the letters he sends every year to the IRS saying he doesn't believe in taxes and won't pay. My question is: We are a nation of laws. What happens when everybody decides they are above the law?

□ 1550

Now let me take a second to discuss the District of Columbia. Recently the chairman of the D.C. Commission on the Homeless resigned along with two other commissioners due to mismanaging and mishandling the commission's actions and funds. This is the very office that would be directly responsible for the shelter.

Are we ready, in light of D.C.'s problems, D.C.'s decision to use CCNV without looking at anyone else, and new information about Mr. Snyder and his group that is just now coming to light—are we ready to rush headlong into legislating bad policy and setting a bad precedent by passing this bill? Can we let someone blackmail the Congress of the United States because he's decided how a problem should be solved? I hope Members will carefully consider what is happening here—the Federal Government is being forced into solving a specific problem in a specific locality where it's not our place to do so.

In San Diego Father Joseph Carroll has raised $4.5 million of the estimated $6.8 million needed to build a homeless shelter, and all $4.5 million are private, not Federal funds. In Pennsylvania, a boy named Trevor, who the President pointed out at the State of the Union Address, has a private fundraising campaign to help the homeless. Homelessness is obviously a problem in the United States. Although I oppose this bill I recognize this problem and the need to address it. I have personally sponsored a food drive in my own district to help alleviate the problems associated with this nationwide concern. But this is not the vehicle we should be using unless we are prepared to make this permanent policy. Again, let us consider what we would be doing with this bill. I urge a "no" vote.

Mr. BROOKS. Madam Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. I thank the gentleman for yielding this time to me.

Madam Chairman, first of all I want to commend my colleagues on both sides of the aisle for sponsoring this legislation that expedites the transfer of jurisdiction over the property now utilized by the Community for Creative Nonviolence to the District of Columbia. I commend especially the gentlewoman from Illinois, CARDISS COLLINS, who has worked very hard on this.

By the way, I found out where the gentleman from Texas [Mr. DELAY] got his information about Mitch Snyder. It is from the FBI files. So now that we have established that Mr. Snyder is an unsavory, unworthy character who is taking full opportunity of the poor homeless and that he is a despicable character, we are now supposed to withhold any support from him. I think this follows the spirit of a commentary I heard on WTTG-TV last night by another luminary Republican in the District of Columbia named Clarence McKee, who suggested that Snyder's hunger strike was merely a new tactic for extorting money from the Government—threatening to starve yourself to death.

He went on to say that the next thing you know, people will be trying to write a book about this Mitch Snyder stuff. Then somebody will want movie rights.

Well, maybe, Clarence, this just goes to show how a lot of Republicans around the country feel about the poor. I now hear it coming from the gentleman from Texas. He loves the poor, but he does not like this guy Snyder because he is the subject of some FBI files.

If that is the way you feel about it, fellows, you should have told your President not to agree to the deal and he would have starved to death. Would that have made you feel better?

I am including the text of Mr. McKee's commentary for the RECORD. I urge all of my colleagues to read it and determine for themselves whether it is on target, or merely an overly emotional and unfounded attack upon a man who has dedicated his life to the service of humanity

MITCH SNYDER'S CRUSADE

Mitch Snyder, crusader for the homeless, has just ended his third hunger strike.

If this keeps up, people might start hunger strikes to force the federal or local government to provide more funds for food stamps. Or for elderly. Or shelters for battered women and children, hoping that politicians would be embarrassed into providing the funds.

If you were lucky, perhaps a network might make a television movie about your efforts complete with a star-studded premier, a fancy fundraiser at a chic restaurant, and at prices only the rich and famous could afford.

Snyder's goals are certainly commendable and he has focused attention on the plight of the homeless. But, so have others. The time has come for Mr. Snyder and his followers to come up with new ideas and form coalitions with others in this city who also care about the homeless. Having a ceremonial "last supper" complete with "breaking bread" with his disciples might be good theater, but it doesn't really address the issue.

Some say many of the homeless are really deinstitutionalized mental patients, alcoholics or drug addicts! They really need medical and psychological care instead of being allowed to run around harrassing and annoying people on the street. Many are true victims of circumstance through loss of job or family alienation! They need jobs and a temporary home.

Perhaps Mr. Snyder could better help all of them if he wanted $5 million for doctors, medicines, counsellors and treatment facilities instead of for a shelter which is really only a temporary holding pen.

I'm Clarence McKee and that's my Time-Out Commentary.

Mr. McCANDLESS. Madam Chairman, I yield 5 minutes to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. I thank the gentleman for yielding this time to me.

Madam Chairman, I think it is very important that we look very closely at this legislation and at exactly what we are being asked to do today.

We have a piece of federally owned property that is worth $23 million—$23 million. Let us put that aside for a moment. The Federal Government is presently leasing in the District of Columbia 50 percent of the total space it occupies. That is 33 million square feet, and we are paying rates in excess of $32 per square foot.

Ladies and gentleman, does it make any sense in the world that we would be taking $23 million worth of property and giving it away? If that is not bad enough, let us look at the recipients for a minute. They have already said they do not want it under the conditions that we are talking about giving it to them. It is foolish to give it away, and even more so where they do not want it.

We have all talked about Mr. Snyder and what he would be doing with the property and the question of some of his background. I think the gentleman from Texas went over this very clearly, and I shall not rehash it, except to say it certainly makes the whole logic of this thing balanced when we are giving away property that we need to someone who does not want it under the conditions that we are giving it to them, and we know ahead of time that the property is going to be managed by a masochist who influences Government by threatening to starve himself.

Mrs. COLLINS. Madam Chairman, will the gentleman yield?

Mr. SHAW. I would be glad to yield to the gentlewoman from Illinois.

Mrs. COLLINS. I thank the gentleman for yielding.

Madam Chairman, the gentleman keeps referring to this as giving the property away. We are not giving this property away at all. The Government still retains the property. We are just transferring jurisdiction. That is all we are doing here, transferring jurisdiction.

Mr. SHAW. I think it is important that the gentlewoman made this point because the District of Columbia has said under this condition they do not want the property, and this is what I am talking about.

This thing is a can of worms for everybody. In addition to this, we have the situation where there is, and the gentleman from California made this very clear, the fact that we are setting a precedent. How about the homeless in Florida? How about the homeless in Texas? How about the homeless in California? What are we going to say to them?

Is the Federal Government going to come in and say, "We are going to be the landlord here, too. We have a nice Federal building. We will give it to this area, or lend it to this area without cost?"

We have a crisis boiling in this country about a shortage of federally owned property. This Government has grown so fast that we are a government that is leasing almost as much property as we are occupying all over the country.

This piece of legislation makes absolutely no sense. I think it is most important that we defeat this bill. It is a bad bill, and I, frankly, as a Member of Congress, resent the timing of this particular bill, that we could possibly be stampeded into a situation because somebody out there is threatening his own life. I think this is a very serious question and one that we should take a very close look at.

Mrs. COLLINS. Madam Chairman, will the gentleman yield?

Mr. SHAW. I yield to the gentlewoman from Illinois.

Mrs. COLLINS. I thank the gentleman for yielding.

The point that I wanted to make here is that the reason why this legislation is not precedent-setting is because it can only be done in the District of Columbia.

□ 1600

You mentioned perhaps you would like to have something like that done in Florida. I know I would certainly like to have something like that done in the State of Illinois and the city of Chicago, but it cannot be done because it can only be done because of the special relationship between the U.S. Government and the District government. Therefore, it is not precedent-setting.

Mr. SHAW. I think it is very important that you bring this point up because there are parallels. The District of Columbia enjoys home rule. We are going to be looking at their budget. They also enjoy a tremendous subsidy from the Federal Government which the others do not.

So I think if it is a question of a precedent, it really even goes overboard because not only are we going to be giving them this property, we are going to be giving them money to defray the expense of running the operations in the building.

I think that all of us have serious heartburn when we think about some of the ways that that money is spent here in the District of Columbia.

I think it is necessary, too, and most important, that we take one other look and this is, again, to talk about the Center for Creative Non-Violence. This organization has refused to open its books to us. It has continuously blocked efforts of the Federal Government to make necessary and important repairs inside the building itself. It prefers a Taj Mahal to a functional facility for the homeless and, get this, it was the only group to protest the Hands Across America.

I urge this bill be defeated.

Mr. BROOKS. Madam Chairman, I yield myself such time as I may consume.

As I mentioned earlier, our colleague, the gentleman from California [Mr. DELLUMS], chairman of the Committee on the District of Columbia, has a vital interest in this legislation. He is unable to be here today, but has forwarded his statement to me. At the proper time, I will ask unanimous consent for all Members to be permitted to revise and extend their remarks on this bill and will include at that time the gentleman from California's [Mr. DELLUMS] statement.

But in short, the gentleman from California [Mr. DELLUMS] says that "I believe that this meager transfer could have been arranged long ago through administrative procedures and did not require congressional legislation. This the administration refuses to do."

It says "I have formally waived the Committee on the District of Columbia's option for sequential reference on the bill in order to expedite a resolution of this matter."

Madam Chairman, I yield 5 minutes to the gentleman from New York [Mr. WEISS].

Mr. WEISS. Madam Chairman, I want to congratulate the distinguished gentlewoman from Illinois [Mrs. COLLINS] for her conscientious and expeditious handling of this legislation in the Subcommittee on Government Activities and Transportation which she chairs.

I also want to applaud the efforts of the distinguished chairman of the Committee on Government Operations, the gentleman from Texas [Mr. BROOKS], in guiding the bill through our committee and to the floor so expeditiously.

Although technically this bill does no more than transfer jurisdiction of Federal property to the District of Columbia, in fact, H.R. 4784 will lead to the creation of the first federally sponsored homeless shelter in America.

It will lead to the renovation of a building that is in disgraceful condition, barely fit for shelter, yet has been home for about 1,000 homeless people a night for the past several years.

The bill guarantees that the building will be continued to be used as a shelter or the building will revert back to the Federal Government.

Last night, the President of the United States, Mr. Reagan, released nearly $1 million to begin renovation of the Second Street shelter. I gather the people on the other side of the aisle are not happy with the President's action.

The White House has agreed to provide $4 million more but only if this legislation passes. If we do not pass H.R. 4784, the renovation will be halted.

Now there has been some discussion here about how this is special treatment only for Washington, DC. I would like to remind my colleagues, especially on the other side of the aisle, that in December 1983, the President created a Task Force on the Homeless and charged that task force with locating surplus Federal properties and surplus Federal food for the homeless and to distribute it and make it available to them. As a result of the creation of that task force, some 600 surplus Federal properties around the country were identified for transfer to communities and community organizations for the sheltering of the homeless.

This is not new policy. This is the administration's ongoing policy.

Homelessness is a serious domestic crisis of emergency proportion. My subcommittee has held hearings around the country. There are millions of homeless people, including tens of thousands of children in America, and this population is growing by as much as 38 percent a year. The response of the Federal Government to the homeless crisis has been woefully inadequate, but the fact is that in this instance, the administration and the White House are moving in the right direction.

Finally the White House has agreed to release some funds to renovate the shelter, but it did so only under the pressure of a fast by homeless advocates and the direct intervention of the chairman of the Senate Appropriations Committee, a member of the President's party.

I congratulate the distinguished chairman for his compassion in this matter.

Last night's agreement to release funds for the shelter's renovation is an important step by the administration in recognizing the magnitude of the homeless problem. I hope it will be an important first step.

If this bill does not pass, the 1,000 residents of the shelter, who were not created, I might point out, by the Community for Creative Non-Violence, who are either mentally ill, chronically infirm, or generally without the resources to fend for themselves, will be in jeopardy of being put out on the street with nowhere to turn. We cannot do that to them again.

I urge approval of this legislation.

Mr. DELAY. Madam Chairman, will the gentleman yield?

Mr. WEISS. I am pleased to yield to my friend, the gentleman from Texas.

Mr. DELAY. Madam Chairman, the gentleman quoted the President's Task Force on Homelessness and talked about identifying surplus property. Has any of that surplus property been given to the homeless?

Mr. WEISS. I must tell you that because of a bureaucratic snafu which cannot be laid at the door of the President, in fact, woefully few of those properties have been turned over. Some have been, as a matter of fact. We have some Army, some Defense Department facilities that have been renovated with Federal moneys and have been used for the homeless, but not as much as should be done.

Mr. DELAY. In exactly the same sort of case, where we are turning over the property to a local government to run the property?

Mr. WEISS. In many ways, exactly the same way. That is right. That is exactly right.

Mr. BIAGGI. Madam Chairman, will the gentleman yield?

Mr. WEISS. I am happy to yield to the gentleman from New York.

Mr. BIAGGI. I thank the gentleman for yielding and I commend him for his position. I associate myself with his remarks.

Mr. DELLUMS. Madam Chairman, H.R. 4784, is to transfer the jurisdiction of Federal property to the District of Columbia government to provide shelter for the homeless in the Nation's Capital. Least we forget, President Reagan promised over a year and a half ago to provide the Nation's Capital with a permanent shelter for the homeless that would serve as a model for the rest of the Nation. In the time that followed that promise the Reagan administration has shifted back and forth and finally reneged on its commitment. I understand that the administration is now willing to transfer a dilapidated building and to make a one-time unencumbered grant of $5 million to the District of Columbia for the homeless shelter.

I believe that this meager transfer could have been arranged long ago through administrative procedures and did not require congressional legislation. This the administration refuses to do.

I have formally waived the District of Columbia Committee's option for sequential referral of the bill in order to expedite a resolution of this matter.

H.R. 4784 requires that the transfer be under such conditions as may be mutually agreed upon between the district and the administration. Of course the district is not in a strong position to negotiate an understanding with the Federal Government. Therefore, I would ask and hope that the Congress through the Committee on Government Operations and the District of Columbia Committee maintain an active interest during the negotiations. I reiterate my expectation that this facility and the $5 million grant will be made available immediately with no strings attached.

My colleague and chairman of the Committee on Government Operations has indicated that if a conference with the Senate is necessary, he would accept me as a conferee. I appreciate that consideration.

With that statement I support H.R. 4784.

Mr. MARKEY. Mr. Chairman, the problem of homelessness is a national crisis. Currently, 2 to 3 million Americans are homeless. The biggest tragedy, however, is that more and more of these people are children, women, elderly, and minorities—people who have been trapped in the undertow as the rest of the Nation rides a wave of economic recovery.

Right now we have a serious problem that requires the immediate action of the Federal Government and the people of America. Mitch Snyder, of the Community for Creative Non-Violence [CCNV], is currently fasting without food or water until the homeless receive the $5 million that President Reagan promised for renovations of the homeless shelter in Washington, DC. The immediate transfer of this money is vital in order to save the life of Mitch Snyder and the lives of hundreds of homeless people in Washington, DC.

Winter is not that far off, and with it comes the misery and often death of people who are forced to sleep on heating grates or park benches. The CCNV shelter is currently overcrowded and in a state of disrepair. Areas of the building are in such bad shape that they must be left completely unoccupied. There are currently only 3 bathrooms and 12 showers for 900 people. It is absolutely inhumane to allow people to live in such a state of squalor. And it is even more inhumane to have hundreds of people living in the streets in the extremes of winter or, for that matter at, any time.

Homelessness should concern all Americans. The Federal Government's response has been wholly inadequate given the magnitude of this problem. It is heartening to know that local organizations are making noble efforts in this area. I urge my colleagues to take a step forward in alleviating the homeless crisis by supporting H.R. 4784, a bill to transfer the jurisdiction of Federal property to the District of Columbia to permit such property to be used as a shelter for the homeless, and in the process transfer the $5 million badly needed for renovations.

Mr. McCANDLESS. Madam Chairman, I yield 3 minutes to the gentleman from Utah [Mr. NIELSON].

Mr. NIELSON of Utah. Madam Chairman, as we all know, the pressures of an election year can often persuade Members of Congress to place greater weight on the political ramifications of their decisions than on the question of whether the issue at hand represents sound policy. I'm afraid this bill may present such a dilemma.

Many of us reacted with annoyance when we heard that another hunger strike was underway, only this time the House of Representatives was the apparent target rather than the White House. This action is a thinly disguised publicity stunt intended to coerce Congress into passing a bad piece of legislation.

The issue here is not whether we feel it is morally right or the proper role of the Federal Government to transfer jurisdiction of a public building to the District of Columbia for the purposes of providing a shelter for the area homeless. If the District is willing to take this on, then by all means let

them. The real issue is whether the Federal Government should give away—with no strings attached and with no provision for simple oversight—$5 million that can be better spent in other more effective and efficient ways to meet the needs of the homeless.

We as elected Representatives should be more concerned about having to explain to the voters back home why we are willing to throw away their hard-earned tax dollars, rather than worry about whether opposing this bill might give someone the mistaken impression that we are against the homeless or providing them shelter. Sure, let's help the homeless, but let's do it right. I can see no reasonable justification for rushing headlong into passing this bill. No matter how you look at it, H.R. 4784 is not the right way, and I urge you to join me in voting against this well-intentioned but ill-advised legislation.

Mr. BROOKS. Madam Chairman, I yield 3 minutes to the gentleman from Maryland [Mr. BARNES].

□ 1610

Mr. BARNES. Madam Chairman, there is a great desire on the part of many in Congress to resolve the roadblocks the administration has set up that, thus far, have enabled the President to renege on his commitment to provide assistance to the homeless. Over 3 months ago the President promised to transfer a Federal building and provide $5 million for its renovation for use as a homeless shelter in the District of Columbia. We are still waiting for fulfillment of that promise.

I would like to commend my colleague, Chairman BROOKS, for his actions to try and resolve the controversy over the President's refusal to release the promised funds. I believe the bill before us will serve as a basis for negotiation with the Senate on how to achieve the transfer of the property. This bill, and the speed with which it moved from Committee to the House floor, demonstrates the House of Representatives' commitment to helping the homeless.

I would like to point out to my colleagues that there is nothing preventing the administration from transferring the facility and releasing the $5 million for its renovation other than the President's refusal to make good on his promise. After making a commitment to provide the money and the building, the administration has made the release of the money contingent on the congressional transfer of the building to the District of Columbia. Now the administration claims it cannot keep its promise to release the funds because Congress has not approved the transfer of the building.

The House Government Operations Committee has stated that the White House does not need congressional approval to transfer the building. Both the money and the building can be transferred administratively under existing statutory authority, but because the White House has decided to involve Congress in the process we are acting responsibly and quickly to resolve the problem.

I would like to point out that although the administration released a portion of the funds last night so that renovation could begin, they did so only after days of intense political pressure.

The President's promise to provide a model shelter for the homeless in our Nation's Capital dates back to November 4, 1984. A year and a half has now passed—there have been repeated fasts by Mitch Snyder, congressional hearings, nationwide demonstrations of support for helping the homeless which the President took part in—and yet the President has failed to fully honor his commitment.

This conflict must be resolved. I am pleased the House is taking this action today so that the resolution of this matter can go back to the White House where it belongs—and the administration, once and for all, can make its promise a reality.

Mr. McCANDLESS. Madam Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. PARRIS].

Mr. PARRIS. Madam Chairman, I am a member of the Committee on the District of Columbia, and I learned with some interest from a statement by the chairman of the Committee on Government Operations that the chairman of our committee had apparently waived the sequential referral on this matter. I, as one member of the committee, was not aware of that; I regret that.

I would remind my colleagues that we have had a hearing in that committee on the question of the homeless in the District of Columbia, and it, to some degree at least, deteriorated to a President-bashing; and I regret that the consideration of this legislation has taken some of that form.

I asked for this time, Madam Chairman, because I am not a member of the committee that reported this bill, to review some of the language that I find in the report which to me is extremely disturbing.

I would ask the gentleman from California [Mr. McCANDLESS], the report states in part—the CCNV, the organization that occupies this building, permits its occupants to bring weapons, alcohol and illicit drugs into the shelter, which is in this building.

Is there any evidence the committee has that that statement is true?

Mr. McCANDLESS. There have been statements to this effect, but we have nothing in writing to show that it has taken place, other than news clips that have been taken out of the local paper.

Mr. PARRIS. I would ask the gentleman from Texas [Mr. DELAY], who talked about matters of taxation, Federal income taxation, and another statement in the report on this matter says, in a statement by the Director of the CCNV, "So, we contribute something far more important than money," in the way of taxes "and that is our sweat, and the IRS seems to understand that, because they have never challenged that"——

Do I understand, I would ask the gentleman from California [Mr. McCANDLESS] that they have not and do not now pay Federal income taxes?

I yield to the gentleman.

Mr. McCANDLESS. I am sorry. Would the gentleman go back over his point, please?

Mr. PARRIS. My question is, I get from the quotes of the director of this organization, I get the strong impression at least that they have not—they have refused to make payment of Federal income taxes. Is that correct?

Mr. McCANDLESS. Yes; there is no nonprofit structure system within the framework of the organization. In statements made to the subcommittee, this was felt to be too restricting by its president; and on followup about where would the taxes come from during the operational procedures of the shelter, since they are not nonprofit corporation.

The CHAIRMAN pro tempore (Mr. MURTHA). The time of the gentleman has expired.

Mr. McCANDLESS. Mr. Chairman, I yield 2 additional minutes to the gentleman from Virginia [Mr. PARRIS].

Mr. PARRIS. I yield to the gentleman.

Mr. McCANDLESS. The statement was: "Well, we don't pay taxes; we send a letter in each year explaining our position."

Mr. PARRIS. Reclaiming my time, let me just make one more point that directly follows the statement of the gentleman from California.

The report indicates that the CCNV consciously chooses not to seek tax exempt status. Was there testimony in front of the committee as to why that is so? If this is a charitable organization, why do they not choose to do this?

Mr. McCANDLESS. If the gentleman will yield, the director of the organization said that to embark upon and successfully complete, the tax-exempt status organization would restrict too severely his ability to function. I am paraphrasing the gentleman.

Mr. DELAY. Will the gentleman yield?

Mr. PARRIS. I yield to the gentleman.

Mr. DELAY. Mr. Chairman, the point here that I think the gentleman is raising is a very clear one; the point is that we have an organization that, unlike most organizations in this Nation, this organization has decided not to take tax-exempt status, No. 1; and these are questions that we are continuing to ask.

Why are they not? I can only suspect that they are not because in order to be tax-exempt, your books are open for scrutiny. They do not care to have their books open to scrutiny; and they also have a system by which they have an office in the District of Columbia where they accept tax-deductible contributions and funnel those contributions to a non-tax-exempt organization, so that their books cannot be looked over.

More importantly, Mr. Snyder stated that he is a political activist, and has participated in many demonstrations against many different things, and if he was tax exempt, he would not be able to be politically active.

Mr. PARRIS. I thank the gentleman for his contribution.

The CHAIRMAN pro tempore. The time of the gentleman from California [Mr. MCCANDLESS] has expired.

Mr. BROOKS. Mr. Chairman, I yield 1 minute to the gentleman from Virginia.

Mr. PARRIS. I yield to the gentleman.

Mr. BROOKS. Mr. Chairman, I wanted to bring to the gentleman's attention that the comments he read from were the dissenting opinion, not the committee report; and that any question about taxes and about enforcement of that matter would be the jurisdiction of the Internal Revenue Service, which is very assiduous in their attention, to most people, and I would be assured that if there is anything wrong out there, they would be on them like a bird on a bug, and that the Justice Department would back them up. They would be the appropriate people to handle tax matters for that agency, for those people, or for anybody else in this country; not for us individually to do it in this bill.

Mr. PARRIS. Reclaiming my time, I thank the chairman for his observation. I would say that it may in fact be true, but the language that we are quoting from here is the report on this legislation; and we are prepared, apparently, to at least consider the transfer of a piece of property that is valued at over $20 million from the Federal Government to somebody else, and I think that is an important matter of taxation.

Mr. MCCANDLESS. Mr. Chairman, I yield back the balance of my time.

Mr. BROOKS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. MURTHA). The Clerk will read.

The Clerk read as follows:

H.R. 4784

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services shall, within five days after the date of enactment of this Act, transfer jurisdiction over the property located at 425 Second Street, Northwest, in the District of Columbia, to the municipal government of the District of Columbia in accordance with section 1 of the Act of May 20, 1932 (40 U.S.C. 122), other than the first proviso of such section, solely for purposes of administration and maintenance of such property for providing shelter and related services to homeless individuals in the District of Columbia and for other use in the protection of the public health.

Mr. BROOKS (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as having been read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMENDMENT OFFERED BY MR. MC CANDLESS

Mr. MCCANDLESS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MCCANDLESS: Page 2, beginning on line 8, strike out "and for other use in the protection of the public health".

□ 1620

Mr. MCCANDLESS. This is a very simple amendment. On line 7 preceding line 8 to read into the context of the amendment, it says "and related services to homeless individuals in the District of Columbia and for other use in the protection of public health." The amendment simply strikes "and for other use in the protection of public health."

Mr. Chairman, the problem that those who are supporting this amendment have is that that gives a great deal more latitude to the use of the building irrespective of its jurisdictional aspect to whoever may wish to use it beyond that of the intent of this legislation.

For example, if the building were no longer used for the homeless, it could be interpreted that in the protection of the public health we could store garbage trucks there or we could even have a prison built because a prison protects the public health. The many uses that one could imagine that this property could be used for beyond that of a homeless shelter and related services, I think, needs to be a part of the context of this bill and therefore I have offered my amendment.

Mrs. COLLINS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment.

First of all, let me say this amendment was brought up in the subcommittee and in full committee, and both times the amendment was not agreed to. If the District of Columbia Government wishes to use a portion of this building for some other reason, for example maybe for an alcohol treatment center because of some of the people who come there might have a little bit of a problem, we should not in any way prevent them from doing so if all the clients are technically not homeless but a few of them might have some other kind of problem.

The term "public health" has a long-recognized use under administrative law, and it was the subcommittee's intent to permit the District of Columbia government to use the building for such purposes. In so doing, we backed off considerably from the administration's approach, which was to give the building to the District government with absolutely no condition concerning its use at all. Our bill, in effect, strikes a sensible agreement, I think, a sensible middle ground between the administration's no-strings-attached approach and to an overly narrow restricted use of this property.

I think the amendment of the gentleman should not be agreed to.

Mr. PARRIS. Mr. Chairman, will the gentlewoman yield?

Mrs. COLLINS. I yield to the gentleman from Virginia.

Mr. PARRIS. I thank the gentlewoman for yielding.

I would just like to pursue the question rhetorically which was suggested by the gentleman from California.

Would the language of the bill "use in the protection of the public health" include a jail facility, in your opinion?

Mrs. COLLINS. No, a jail facility, it would not.

Mr. PARRIS. The protection of the public health would not include a penitentiary, jail, incarceration facilities of one kind or another?

Mrs. COLLINS. No, not in this bill.

Mr. PARRIS. I thank the gentlewoman.

Mr. DELAY. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, there are a couple of points in this amendment which I support. No. 1, the phrase "related services to homeless individuals in the District of Columbia" means, as the gentleman from California has so eloquently pointed out, this could be anything used in that building. We have already established that the gentleman, the director of the CCNV, is a political activist and considers himself a religious leader. So the point I would like to make is that this building could be used for more than just services for

the homeless. He could set up an office to run his politically active group from. Also, I think the Members should really take note that under this language the District of Columbia could move the homeless right out the back door of this building if they chose to do so because it is unrestricted in using this building for any other related use for protection of the shelter. I might also point out in a memo to our subcommittee from the American Law Division, it points out, and I quote from the Congressional Research Service, "in the absence of either a definition of the above underlined phrase" which says "other use in the protection of the public health," to go on with the quotation, "in the bill itself or some language in the legislative history of the bill clarifying the scope of coverage of the public health proviso, if enacted, this provision of the bill would appear to permit the municipal government to utilize the property for a wide range of public health purposes." That does not mean public health for the homeless, that means public health in anything they chose to do. I just think that if you truly want this building to be used for the homeless, then this amendment says that this building will be used only for the services of the homeless, and the District of Columbia government cannot come in there and push the homeless out the back door.

A vote against this amendment is a vote to push the homeless out the back door.

Mr. BROOKS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, we ought to keep some flexibility for the use of this property other than the direct provision for shelter and related services to the homeless. Since the bill before us continues to retain title in the Federal Government, and only transfers jurisdiction to the District of Columbia, there is little possibility that any use of the property would go beyond purposes that were acceptable to the Congress. For this reason I think we ought to keep the language in the current bill. I would add that the truth of the matter is this is an agreement that I did not dream up and STAN PARRIS did not dream up in the District of Columbia Committee, and CARDISS COLLINS did not dream it up. I do not know anybody in Congress that had anything to do with it. The President made a deal with the District of Columbia and with the group running the shelter. In all fairness to him, he has some problems with them and he made an agreement to give it to them and give them some money. And he wants us to be in the act to give some kind of facade of decency to the transfer. I do not think we need legislation. He could probably transfer it without that.

Now the decent way to do it, if you want to be cooperative with him—and I am talking to you Republicans, I have not had any trouble with the Democrats—is to go on and give the District jurisdiction, pass the bill as simply as possible, send it over to the other body and in the meantime see if they will accept that. If they are not going to accept jurisdiction, then war is going to be on because I am not going to give title, if I can, with my vote to anybody. I want to make that clear.

I think this is a reasonable way to protect the President. Let him do what he wants to do. Whether you agree with him or not, he has already done it. I cannot tell him what to do and neither can you. So I think in fairness we ought to quit raising Cain with him about it and go on and pass the bill without any amendment and send it over to the other body and see if we can get them to agree to it. I think that will resolve the problem. If that can be done given the President's commitment, I think that is a fair way to do it.

I am opposed to the amendment for that reason.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California [Mr. MCCANDLESS].

The question was taken, and on a division (demanded by Mr. MCCANDLESS) there were—ayes 10, noes 11.

So the amendment was rejected.

COMMITTEE AMENDMENTS

The CHAIRMAN pro tempore. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: At the end of the bill add the following new section:

SEC. 2. Upon the transfer of jurisdiction pursuant to the first section of this Act, the Federal Government (1) shall not be liable for injuries or damages that occur while the property is under the jurisdiction of the municipal government of the District of Columbia and that arise out of the operation, maintenance, repair, renovation, reconstruction, or other capital improvement of that property by such municipal government; and (2) shall not be responsible for the operation, maintenance, repair, renovation, reconstruction, or other capital improvement of that property while the property is under the jurisdiction of such municipal government. Nothing in this section shall be deemed to prohibit the Federal Government from funding the renovation of the property.

The CHAIRMAN pro tempore. Is there any debate on the committee amendment?

Mr. MCCANDLESS. Mr. Chairman, the minority has worked with the majority on this amendment. We feel it is a worthy addition to the bill, and we support it.

The CHAIRMAN pro tempore. The question is on the first committee amendment.

The committee amendment was agreed to.

The CHAIRMAN pro tempore. The Clerk will report the second committee amendment.

The Clerk read as follows:

Committee amendment: At the end of the bill add the following new section:

SEC. 3. The property referred to in the first section is more fully described as follows:

All that parcel situated in the Northwest quadrant of the City of Washington, District of Columbia, and being a portion of District of Columbia Square Numbered 571, containing in their entirety former lots numbered 9 through 18, inclusive, and 22 through 26, inclusive, as recorded in Liber B, Folio 160 of the Records of the Office of the Surveyor for the District of Columbia, and lots 45 through 51 inclusive, as recorded in Liber 19, Folio 118 of the Records of the Office of the Surveyor for the District of Columbia; such land now known for purposes of assessment as Lot 820, and containing 1.16 acres of land, more or less; and more particularly described in a deed between the Reconstruction Finance Corporation and the United States of America, dated July 30, 1947, and recorded in Liber 8761, Folio 79 of the Land Records of the District of Columbia.

Mr. BROOKS (during the reading). Mr. Chairman, I ask unanimous consent that the second committee amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN pro tempore. Is there any debate on the second committee amendment?

Mr. MCCANDLESS. Mr. Chairman, we have reviewed this amendment. It is a fine addition. It defines the property more dramatically, and we are in favor of it.

The CHAIRMAN pro tempore. The question is on the committee amendment.

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. DIO GUARDI

Mr. DIOGUARDI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DIOGUARDI. At the end of the bill add the following new section:

SEC. 4. (a) If any organization selected by the municipal government of the District of Columbia to administer such property as a shelter for homeless individuals uses such property in a manner that would cause a charitable organization as described in section 501(c)(3) of the Internal Revenue Code of 1954 to lose its tax exempt status under section 501(a) of the Internal Revenue Code of 1954—

(1) the property shall be considered to have ceased being used for the purposes described in the first section of this Act; and

(2) jurisdiction over such property shall revert to the United States.

(b) The Administrator of General Services shall consult with the Commissioner of Internal Revenue in carrying out the requirements of this section.

Mr. BROOKS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

POINT OF ORDER

Mr. WEISS. Mr. Chairman, I rise to a point of order.

The CHAIRMAN pro tempore. The gentleman will state his point of order.

Mr. WEISS. Mr. Chairman, the amendment offered by the gentleman from New York is not germane to H.R. 4784. It places restrictions on the use of the building in question that are not within the jurisdiction of the Government Operations Committee, have nothing to do with the transfer of Federal property, which this bill addresses, and is otherwise in violation of rule XVI.

The CHAIRMAN pro tempore. Does the gentleman from New York desire to be heard on the point of order?

Mr. DIOGUARDI. Yes, I do, Mr. Chairman.

Mr. Chairman, I disagree with that. We are talking about the use of the property. We have heard testimony here today that this property was to be dedicated for the use of the homeless and certain related purposes. The thrust of my amendment would be to assure that the building itself would be used for those kinds of charitable purposes and not any political purposes. All this amendment does is to amplify that fact by referring to a body of law in the Internal Revenue Code known as section 501(c)(3) which condones the kind of use we are talking about with respect to the homeless and related services but says in no event shall the property be used for political purposes.

I think this is very germane.

The CHAIRMAN pro tempore. Do any other Members wish to be heard on the point of order? If not, the Chair will rule:

The Chair agrees with the gentleman from New York that this amendment merely places additional restrictions on the use of the property covered by this bill in addition to those other restrictions which are already in the bill. So the Chair thinks the amendment is germane and overrules the point of order.

Mr. DIOGUARDI. Mr. Chairman, as the sponsor of legislation providing substantial assistance to the homeless, I want to commend the gentlelady from Illinois for her efforts on behalf of the homeless throughout this Nation and, in particular, here in Washington, DC. Anyone of us who has had the opportunity to travel throughout this city is well aware of the tremendous number of homeless individuals wandering about our streets and parks. There is indeed a homeless problem, and it needs to be addressed.

I want to make it clear that my amendment is not an attempt to kill this bill.

My amendment is not an attempt to exclude any organization from operating the D.C. shelter. The purpose of my amendment simply is to strengthen and clarify the bill's requirements that the shelter be operated specifically for the charitable purposes of aiding the homeless and not for any political purposes. While I applaud the committee and Chairman BROOKS for addressing this issue, which was inexplicably ignored by the Reagan administration which wished to transfer the property with no strings attached. I do not believe that the bill's current language adequately provides us with this guarantee.

This problem is magnified when one recognizes that the administration has agreed to provide $5 million to renovate and refurbish the deteriorated building. If the American taxpayer is going to pay the bill for this shelter, he or she should not be expected to subsidize political activities which may take place there, and should be given adequate assurances that they will not. If we allow these activities to occur in the D.C. shelter, I believe that we will be setting a bad precedent whereby the majority of American taxpayers will be forced to subsidize the political activities of a few. We have a responsibility to guard against this.

In order to provide sufficient guarantees to the American taxpayer that these activities will not take place, my amendment would require any organization that administers the shelter to operate it in such a manner so that it would not lose its tax exempt status if it were a tax exempt charitable organization described in section 501(c)(3) of the Internal Revenue Code. In other words, the Internal Revenue Code has provided us with a body of law that distinguishes between charitable and political activities. If the organization operating the shelter uses the building for purposes that the IRS would define as political, jurisdiction over the building would revert back to the American public. My amendment does not require the operating organization actually to be a tax exempt organization as described in section 501(c)(3) of the Internal Revenue Code.

I know that the top priority of the bill's sponsors is to alleviate the suffering of the homeless. I am sure they agree that this building's functions should be used solely for that purpose. So that we can assure that the homeless, and not political activists are the beneficiaries of this shelter, I hope that you will agree to and adopt this amendment.

□ 1635

Mr. BROOKS. Mr. Chairman, I rise in opposition to this amendment.

What this amendment attempts to do is to place the established framework and requirements of section 501(c)(3) of the Internal Revenue Code over an organization that purposely has not applied for 501(c)(3) status and does not receive the benefits that flow from being classified as a charitable organization under that provision of the code. I am not sure that those requirements could be imposed in a workable manner.

I might note that the bill transfers jurisdiction over this building to the District of Columbia, not to any organization. I do not believe that it is wise for us to become involved in micromanagement of the facility in this manner—especially since, through section 2 of this bill, we are attempting to remove the Federal Government to the maximum extent possible from liability and responsibility for operation of this facility. However, I am certain that appropriate committees of Congress can monitor the activities of this facility in such a manner as to ensure that it will be used for its generally understood purpose in accordance with congressional intent.

Mr. WEISS. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I yield to the distinguished gentleman from New York.

Mr. WEISS. Mr. Chairman, I thank the distinguished chairman for yielding to me. I want to express my wholehearted agreement with the gentleman's position.

Mr. Chairman, I would simply say that what the gentleman from New York is doing, I think unwittingly, is playing havoc with the right of American citizens to make a determination as to whether in fact they want to be bound in by the requirements of the Internal Revenue Code.

Here is an organization which is not going to get jurisdiction of this property in any event. That goes to the District of Columbia. They decide that they do not want to take benefits under the Internal Revenue Code.

Supposing, in fact, what the people who are running that organization decide to hold a hunger strike for the aims of improving conditions for the homeless in this country. Under the gentleman's amendment, it could very well be construed that holding a hunger strike would in fact be a political act for that purpose. Do we want to tell American citizens that they do not have the right to do that if they want to?

It just seems that it really enmeshes the Congress into the most impossible kind of situation. It just plays havoc with the constitutional rights of the American citizens.

Mr. Chairman, I urge we defeat this amendment.

Mr. DIOGUARDI. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I yield to the gentleman from New York [Mr. DIOGUARDI].

Mr. DIOGUARDI. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I respect the gentleman's thoughts on this, but I respectfully disagree.

We are talking about a building here that is owned and continually will be owned by the U.S. Government. What we are saying here is that we are transferring the jurisdiction, the right to use that building, which by the way is a property right. The use of a building is just as good, really, as owning the building in many cases.

But the point is that the issue here is basic accountability to the taxpayers of this country that somehow bought that building. What we are saying here is that we are not requesting or requiring the organization itself, which I believe I would have preferred, but I will let that stand, we are not requiring that the organization qualify under tax exemption as a charitable organization. What we are saying is that at the least to fulfill our minimum standards of fiduciary responsibility as Congress, that we require that this building not be used for political purposes.

Mr. BROOKS. Mr. Chairman, what is the gentleman's question?

Mr. DIOGUARDI. Mr. Chairman, the question is my amendment says that this property would be administered, at least would be looked after, by the GSA in consultation with the Internal Revenue Service.

We have a wide body of law under section 501(a) of the code and section 501(c)(3) and regulations where these issues could be judged. It is not for us to judge. These qualitative judgments have been made under a wide body of law that started in this country with the Internal Revenue Code of 1949, amended in 1954, and still exist today.

All I am saying is that the purposes to which that building is put should be purposes that in any way can be construed as political.

I am for the homeless, and I applaud Mr. Snyder's efforts for the homeless. All I want to do is protect the American taxpayers from the use of that property for political purposes.

Mr. PARRIS. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I think the gentleman's amendment, for which I congratulate the gentleman, is absolutely fundamental to the purpose of this bill, as has been said many times. Adoption of this provision will, in fact, guarantee that the homeless, for which we all have compassion, and not the activists, present, future or contemplated, will be the beneficiaries of this transfer should this legislation be adopted.

Mr. Chairman, I hope this amendment will be favorably considered by my colleagues.

Mrs. COLLINS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, first of all, the amendment, in any event, does not seem necessary. The bill now provides that the District will have to administer the property solely for providing shelter and related services to homeless individuals and for other use in the protection of the public health. This limitation on use is enough to exclude political or lobbying activity from the permitted uses.

Furthermore, the language of the amendment is vague. It would be hard to interpret and to enforce. No specific organization is mentioned in the amendment; yet to determine a violation of the restrictions it seeks to impose would require measuring the questionable activities being complained of against the total activities and expenditures of some specific organization. Of course, there is no such organization specified. Nor could there be under this amendment.

I urge defeat of the amendment.

Mr. DIOGUARDI. Mr. Chairman, will the gentlewoman yield?

Mrs. COLLINS. I yield to the gentleman from New York.

Mr. DIOGUARDI. Mr. Chairman, what possible objection could the gentlewoman have to the amendment if it only amplifies and clarifies what the gentlewoman and I believe should be done in this case, that it should be used for purposes relating to the homeless and related purposes?

Mrs. COLLINS. Mr. Chairman, reclaiming my time, the gentleman's amendment goes far beyond what we are trying to do in this legislation. We are not trying to complicate it. All we are trying to do is give jurisdiction to the District of Columbia, and that is all we are trying to do.

Any other matter, as the chairman, the gentleman from Texas, has already said, regarding 501 classification, regarding IRS activity, is the sole purview of the IRS. We are not legislating for the Internal Revenue Service. They have their guidelines that they follow.

Incidentally, they have not bothered to call this group in to determine whether or not anything is wrong. They know what they are doing because they send this letter in every year, as has been explained by the testimony of the gentleman who is with CCNV and, therefore, I see no need for this amendment, which I think is well intended, but I think it is unnecessary.

Mr. DIOGUARDI. Mr. Chairman, will the gentlewoman yield?

Mrs. COLLINS. Mr. Chairman, I yield back the balance of my time.

Mr. DIOGUARDI. Mr. Chairman, I think in this specific case, we have heard here the testimony that this individual has engaged in the past in political activities. All we are saying is that this——

The CHAIRMAN pro tempore. The gentlewoman from Illinois yielded back the balance of her time.

Mr. DELAY. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I just want to point out the gentleman from New York has stated that this amendment is designed to wreak havoc on a poor organization that has chosen not to take the benefits of tax-exempt status.

□ 1645

I might point out that this organization has not chosen to take the benefits of tax-exempt status because they have also chosen not to pay taxes, and they also have a system set up with the city of the District of Columbia to collect contributions giving a tax-deductible status and then funnel that money into the CCNV.

I just think that this is only a responsible amendment to protect the property owned by the taxpayers of the United States and is a responsible action by this body.

Mr. MCKINNEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, unbeknownst to me, the District Committee refused its sequential referral of this matter. As ranking member of the District Committee, I would have to say that I am somewhat embarrassingly standing here, saying I am responsible for this whole mess and when it started.

I placed a call to Mrs. Heckler, who is one of our former colleagues but who at that time was with HHS, and I said to her, I thought it was politically irresponsible and that it was a human failing on the part of the administration to take away an institution that served the homeless in a city that desperately needed one.

Nobody is more aware of the problems of the homeless in Washington than myself, I do not think. I have been through what used to be the Union Station at that point. I have seen St. Elizabeths deinstitutionalized—it is a Federal agency, by the way, not a city agency—very irresponsibly. I have been to the place where the little baby was cut up because they

deinstitutionalized one too soon, et cetera.

And now we have Mitch Snyder's hotel. I have listened to Mr. Snyder in front of the District Committee and on innumerable times in front of the Housing Subcommittee of the Banking Committee. We are giving the use of a Federal building to a group. We are giving the use of a Federal building which I think is, comparatively speaking, right now no better than the snake pit in the movie by Olivia de Havilland.

How we can say we are doing something Christian and doing something good and doing something kind, when we cram or try to cram 800 poor souls into this dilapidated structure—and I do not give a darn what you pay to fix it up, it is still too many people.

Now, I do not think the city is in fact exercising its responsibility for the homeless. Nobody is helping Bridgeport, CT, not many people are helping Ed Koch of New York City on a Federal level. I certainly do not think anyone is helping Stamford on a Federal level. We are giving what amounts to about $5 million and a building to an organization to use for what is considered to be a very good cause. Nowhere in this legislation, unfortunately, does anyone really ask: What are we going to end up with?

Because if we are going to end up with what we have now, we are doing the homeless of the District of Columbia a terrible, terrible disservice. We are warehousing human beings in a situation that, to me, is worse than the institutions from which far too many of them came, with controlled drugs in other areas that were stolen and put them into their condition.

I think that the gentleman from Westchester is stating a point, and that is: Aren't we really, by not putting a 501(c) designation on this building and its activities, telling our constituencies, who have to handle this matter themselves, that we are being terribly selective over a group because of pressure?

A lot of people are not going to like what I said, and Mitch will be one of them. But the fact of the matter is, there is an awful lot we do not know about this. It is a big building. Five million bucks is a lot of money. What is he going to do with it? Who is going to inspect it? What is it going to be used for?

I wrote a letter—I do not know where the answer is, it certainly never came to my office—asking where the three new garden tractors came from that were driven around our front lawn out there by the Committee for Non-Violence. I cannot afford a new lawn tractor. They cost about $4,000. They were probably donated. But is that really what a home for the homeless is all about? I do not think so.

The CHAIRMAN pro tempore. The time of the gentleman from Connecticut [Mr. MCKINNEY] has expired.

(By unanimous consent, Mr. MCKINNEY was allowed to proceed for 2 additional minutes.)

Mr. BROOKS. Mr. Chairman, will the gentleman yield?

Mr. MCKINNEY. I yield to the gentleman from Texas.

Mr. BROOKS. Mr. Chairman, to my distinguished friend, whose compassion and knowledge about the fact situation within the District of Columbia is unsurpassed, I want to suggest that this bill does not give away one nickel of money. I want the gentleman to understand very clearly that I did not vote to give $5 million to the District of Columbia for this purpose, and neither did anybody on the Government Operations Committee, and neither has anybody in this Congress asked to do it.

Mr. MCKINNEY. I apologize.

Mr. BROOKS. This will come out of an administration discretionary fund. If $5 million were in that bill, it would still be in Government Operations if I could keep it there. So I want the gentleman to make that clear.

Now, the bill will give the District jurisdiction as per the general agreement between the President of the United States, and the District of Columbia and the people who live in that building. They are the ones who agreed to do this. I did not agree. We are just implementing that agreement by passing jurisdiction to the District of Columbia. Then if the President wants to give them $5 million, he can. That is his judgment. I cannot change his mind. He did not talk to me.

I think, in fairness, we ought to pass this bill, send it over to the other body so they can pass it, and send it on down to the President.

Mr. MCKINNEY. Mr. Chairman, I will say that the gentleman's ability to watchdog Federal properties and moneys of the United States of America is unsurpassed, and everyone knows it.

I suppose I am just sitting here doing a think piece, because if in fact the District of Columbia is going to get jurisdiction over this building, guess who is going to have to watch the District of Columbia.

The CHAIRMAN pro tempore. The time of the gentleman from Connecticut [Mr. MCKINNEY] has again expired.

(By unanimous consent, Mr. MCKINNEY was allowed to proceed for 2 additional minutes.)

Mr. MCKINNEY. And that has become a successively more difficult job than any of us could possibly imagine.

And what are the District plans? I hope the President knows. I spent the last 2 days arguing about housing the poor. We have got to do it. We are going to argue about housing the homeless. We have to do it. But there has to be a responsible plan, and I really have not seen it. I wish the chairman had not given up sequential referral because I would have wanted to know what the plan is going to be. But when I look at what I have found in other parts of the country—I see my good friend, and I am sure he will not mind my mentioning his name, the gentleman from Kentucky [Mr. NATCHER]—and I know what I have found money used for and I know what has happened to an awful lot of good intentions, and I know that an awful lot of Congressmen in this room listening to this debate are spending an awful lot of time hoping the city will do the right thing.

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. MCKINNEY. I yield to the gentleman from Texas.

Mr. DELAY. I would like to get back to the amendment.

Is the gentleman aware that this amendment would stop a group that has been designated to run this building from throwing a bloodlike substance on a foreign office, from protesting the naming of a submarine, from stomping in a cake down in the Mall?

Mr. MCKINNEY. I would just simply say to you that the gentleman has always had a difficult problem deciding over the last 4 years whether Mr. Snyder's organization is really in the business of housing the homeless or whether it is in the business of making a political statement.

Mr. WEISS. Mr. Chairman, will the gentleman yield?

Mr. MCKINNEY. I yield to the gentleman from New York.

The CHAIRMAN pro tempore. The time of the gentleman from Connecticut [Mr. MCKINNEY] has again expired.

(On request of Mr. WEISS and by unanimous consent, Mr. MCKINNEY was allowed to proceed for 2 additional minutes.)

Mr. WEISS. Mr. Chairman, I share my chairman's sense of the concern of the gentleman from Connecticut and his concern and compassion for the poor of this country, and especially for the homeless. I think that the gentleman ought to know that the last description that was given by the gentleman from Texas as to pouring of blood on files is totally irrelevant to this particular amendment that the gentleman from New York has offered, because as he himself described it, it applies only to those actions that take place within the building. And that is vague enough. But I think that we ought not get distracted by red liquids someplace else.

The gentleman made reference in the comments that he made earlier on

that Ed Koch of New York would like to get some Federal funds, and I think he said Bridgeport does not get any. I cannot talk about Bridgeport.

Mr. McKINNEY. I do not mean they get no funds, but they certainly do not get, proportionately, for a city of 600,000 people what Washington gets.

Mr. DELAY. Mr. Chairman, since the gentleman has used my name, will the gentleman yield?

Mr. WEISS. I did not use the gentleman's name.

Mr. McKINNEY. I yield to the gentleman from Texas.

Mr. DELAY. It would stop the planning of those events, would it not? Would it not stop the planning of those demonstrations in that building?

Mr. McKINNEY. I cannot answer that question.

Mr. WEISS. If the gentleman will allow me to finish my thought, the fact is that the Federal Government, as the gentleman knows, is not really dealing with this tremendous crisis across the country, but it should be noted that currently something like $70 million a year is in fact being spent by the FEMA Program for homeless across the country and the Federal emergency program for the families of homeless receives another roughly $65 million, $70 million.

Mr. McKINNEY. And I am very proud of that. That happens to be money I put in, along with the gentlewoman from Ohio [Ms. OAKAR], and several of our other colleagues, in the housing bill. That was our money.

Mr. WEISS. Precisely.

The CHAIRMAN pro tempore. The time of the gentleman from Connecticut [Mr. McKINNEY] has again expired.

(On request of Mr. PARRIS and by unanimous consent, Mr. McKINNEY was allowed to proceed for an additional 30 seconds.)

Mr. PARRIS. If the gentleman will yield, I rise simply to extend to the gentleman from Connecticut my appreciation for a very courageous statement under some very difficult circumstances, and I thank him for that.

Mr. McKINNEY. I thank the gentleman.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. DIOGUARDI].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. DIOGUARDI. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 181, noes 182, answered not voting 70, as follows:

[Roll No. 151]

AYES—181

Applegate	Hall, Ralph	Pursell
Archer	Hammerschmidt	Ray
Armey	Hendon	Regula
Bartlett	Hiler	Ridge
Barton	Holt	Rinaldo
Bateman	Hopkins	Ritter
Bennett	Hubbard	Roberts
Bentley	Hughes	Robinson
Bereuter	Hunter	Rogers
Bilirakis	Hutto	Roth
Bliley	Hyde	Roukema
Boehlert	Ireland	Rowland (CT)
Boulter	Jacobs	Rowland (GA)
Brown (CO)	Jeffords	Rudd
Broyhill	Jenkins	Saxton
Burton (IN)	Kasich	Schaefer
Byron	Kemp	Schneider
Callahan	Kindness	Schuette
Carney	Kolbe	Sensenbrenner
Chandler	Lagomarsino	Shaw
Clinger	Latta	Shumway
Coats	Leach (IA)	Shuster
Cobey	Lent	Siljander
Coble	Lewis (CA)	Skeen
Coleman (MO)	Lewis (FL)	Slaughter
Combest	Lightfoot	Smith (NE)
Conte	Livingston	Smith (NJ)
Courter	Loeffler	Smith, Denny (OR)
Craig	Lowery (CA)	Smith, Robert (NH)
Crane	Lujan	Smith, Robert (OR)
Daniel	Lungren	Snowe
Dannemeyer	Mack	Snyder
Darden	Madigan	Solomon
Daub	Marlenee	Spence
DeLay	Martin (IL)	Stallings
DeWine	Martin (NY)	Stenholm
Dickinson	Mazzoli	Stratton
DioGuardi	McCain	Sundquist
Donnelly	McCandless	Swindall
Dornan (CA)	McCollum	Tallon
Dreier	McDade	Tauke
Duncan	McEwen	Taylor
Dyson	McGrath	Thomas (CA)
Eckert (NY)	McKernan	Thomas (GA)
Edwards (OK)	McKinney	Traficant
Emerson	McMillan	Vander Jagt
Evans (IA)	Meyers	Volkmer
Fawell	Michel	Vucanovich
Fields	Miller (OH)	Walker
Fish	Miller (WA)	Weber
Franklin	Montgomery	Whitley
Frenzel	Moore	Whittaker
Gallo	Moorhead	Wolf
Gekas	Morrison (WA)	Wortley
Gilman	Myers	Young (AK)
Gingrich	Nielson	Young (FL)
Goodling	Olin	Young (MO)
Gradison	Packard	
Green	Parris	
Gregg	Pashayan	
Guarini	Petri	
Gunderson	Porter	

NOES—182

Ackerman	Carr	Flippo
Alexander	Chapman	Florio
Anderson	Chappell	Foglietta
Andrews	Coleman (TX)	Foley
Annunzio	Collins	Ford (MI)
Anthony	Conyers	Ford (TN)
Aspin	Cooper	Fowler
Atkins	Coyne	Frank
AuCoin	Crockett	Frost
Barnes	Daschle	Garcia
Bates	Derrick	Gaydos
Bedell	Dicks	Gejdenson
Beilenson	Dingell	Glickman
Bevill	Dixon	Gonzalez
Boggs	Dorgan (ND)	Gordon
Boner (TN)	Downey	Gray (IL)
Bonior (MI)	Durbin	Gray (PA)
Bonker	Dwyer	Hall (OH)
Borski	Dymally	Hamilton
Bosco	Eckart (OH)	Hayes
Boucher	Edgar	Hefner
Boxer	Edwards (CA)	Hertel
Brooks	English	Horton
Bruce	Erdreich	Howard
Bryant	Evans (IL)	Hoyer
Burton (CA)	Fascell	Huckaby
Bustamante	Fazio	Jones (NC)
Carper	Feighan	Jones (OK)
Jones (TN)	Murtha	Sikorski
Kanjorski	Natcher	Slattery
Kastenmeier	Neal	Smith (IA)
Kennelly	Nelson	Solarz
Kildee	Nowak	Spratt
Kleczka	Oakar	St Germain
Kolter	Oberstar	Staggers
Kostmayer	Obey	Stark
Lantos	Ortiz	Stokes
Leath (TX)	Owens	Studds
Lehman (FL)	Pease	Swift
Leland	Penny	Tauzin
Levin (MI)	Pepper	Torres
Levine (CA)	Perkins	Towns
Lipinski	Price	Traxler
Long	Quillen	Udall
Lowry (WA)	Rahall	Vento
Luken	Rangel	Visclosky
Manton	Reid	Walgren
Markey	Richardson	Watkins
Martinez	Rodino	Waxman
Matsui	Roe	Weaver
McCloskey	Roemer	Weiss
McCurdy	Rostenkowski	Wheat
McHugh	Russo	Whitten
Mica	Sabo	Williams
Mikulski	Savage	Wirth
Mineta	Scheuer	Wolpe
Mitchell	Schroeder	Wright
Moakley	Schumer	Wyden
Moody	Seiberling	Yates
Morrison (CT)	Sharp	Yatron
Mrazek	Shelby	

NOT VOTING—70

Akaka	Grotberg	O'Brien
Badham	Hansen	Oxley
Barnard	Hartnett	Panetta
Berman	Hatcher	Pickle
Biaggi	Hawkins	Rose
Boland	Heftel	Roybal
Breaux	Henry	Schulze
Broomfield	Hillis	Sisisky
Brown (CA)	Johnson	Skelton
Campbell	Kaptur	Smith (FL)
Chappie	Kramer	Stangeland
Cheney	LaFalce	Strang
Clay	Lehman (CA)	Stump
Coelho	Lloyd	Sweeney
Coughlin	Lott	Synar
Davis	Lundine	Torricelli
de la Garza	MacKay	Valentine
Dellums	Mavroules	Whitehurst
Dowdy	Miller (CA)	Wilson
Early	Molinari	Wise
Fiedler	Mollohan	Wylie
Fuqua	Monson	Zschau
Gephardt	Murphy	
Gibbons	Nichols	

□ 1710

Messrs. OLIN, JACOBS, TRAFICANT, and YOUNG of Missouri changed their votes from "no" to "aye."

Mr. BEDELL changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. Are there further amendments to the bill? If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. FRANK] having assumed the Chair, Mr. MURTHA, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4784) to require the transfer of jurisdiction to the District of Columbia over certain property to permit such property to be used as a shelter for the homeless, pursuant to House Resolution 464, he reported

the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. McCANDLESS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 242, noes 116, not voting 75, as follows:

[Roll No. 152]

AYES—242

Ackerman	Dymally	Kennelly
Anderson	Eckart (OH)	Kildee
Andrews	Edgar	Kleczka
Annunzio	Edwards (CA)	Kolbe
Anthony	English	Kolter
Applegate	Erdreich	Kostmayer
Aspin	Evans (IL)	Lantos
Atkins	Fascell	Leach (IA)
AuCoin	Fazio	Leath (TX)
Barnes	Feighan	Lehman (FL)
Bates	Fish	Leland
Bedell	Flippo	Lent
Beilenson	Florio	Levin (MI)
Bennett	Foglietta	Levine (CA)
Bevill	Foley	Lewis (CA)
Bliley	Ford (MI)	Lipinski
Boehlert	Ford (TN)	Long
Boggs	Fowler	Lowry (WA)
Boner (TN)	Frank	Luken
Bonior (MI)	Frost	Manton
Bonker	Gallo	Markey
Borski	Garcia	Martinez
Bosco	Gaydos	Matsui
Boucher	Gejdenson	Mazzoli
Boxer	Gilman	McCain
Brooks	Glickman	McCloskey
Bruce	Gonzalez	McCurdy
Bryant	Goodling	McDade
Burton (CA)	Gordon	McEwen
Bustamante	Gradison	McGrath
Carper	Gray (IL)	McHugh
Carr	Gray (PA)	McKernan
Chandler	Green	McKinney
Chapman	Guarini	McMillan
Coleman (TX)	Gunderson	Mica
Collins	Hall (OH)	Mikulski
Conte	Hamilton	Miller (WA)
Conyers	Hayes	Mineta
Cooper	Hefner	Mitchell
Courter	Hendon	Moakley
Coyne	Hertel	Moody
Crockett	Horton	Morrison (CT)
Darden	Howard	Morrison (WA)
Daschle	Hoyer	Mrazek
Derrick	Huckaby	Murtha
DeWine	Hughes	Natcher
Dicks	Hutto	Neal
Dingell	Jacobs	Nelson
DioGuardi	Jeffords	Nowak
Dixon	Jenkins	Oakar
Donnelly	Jones (OK)	Oberstar
Dorgan (ND)	Jones (TN)	Obey
Downey	Kanjorski	Olin
Duncan	Kasich	Ortiz
Durbin	Kastenmeier	Owens
Dwyer	Kemp	Panetta
Pashayan	Schneider	Tallon
Pease	Schroeder	Tauzin
Penny	Schuette	Thomas (GA)
Pepper	Schumer	Torres
Perkins	Seiberling	Towns
Porter	Sharp	Traficant
Price	Shelby	Udall
Quillen	Sikorski	Vento
Rahall	Slattery	Visclosky
Rangel	Smith (FL)	Walgren
Ray	Smith (IA)	Watkins
Reid	Smith (NJ)	Waxman
Richardson	Smith, Robert (OR)	Weaver
Rinaldo	Snowe	Weiss
Rodino	Solarz	Wheat
Roe	Spratt	Whitten
Roemer	St Germain	Williams
Rostenkowski	Staggers	Wirth
Roukema	Stallings	Wolf
Rowland (CT)	Stark	Wolpe
Rowland (GA)	Stokes	Wortley
Russo	Stratton	Wright
Sabo	Studds	Wyden
Savage	Swift	Yates
Saxton		Yatron

NOES—116

Archer	Gregg	Ridge
Armey	Hall, Ralph	Ritter
Bartlett	Hammerschmidt	Roberts
Barton	Hiler	Robinson
Bateman	Holt	Rogers
Bentley	Hopkins	Roth
Bereuter	Hubbard	Rudd
Bilirakis	Hunter	Schaefer
Boulter	Hyde	Sensenbrenner
Brown (CO)	Ireland	Shaw
Broyhill	Jones (NC)	Shumway
Burton (IN)	Kindness	Shuster
Byron	Lagomarsino	Siljander
Callahan	Latta	Skeen
Carney	Lewis (FL)	Slaughter
Clinger	Lightfoot	Smith (NE)
Coats	Livingston	Smith, Denny (OR)
Cobey	Loeffler	Smith, Robert (NH)
Coble	Lowery (CA)	Snyder
Coleman (MO)	Lujan	Solomon
Combest	Lungren	Spence
Craig	Mack	Stenholm
Crane	Madigan	Sundquist
Daniel	Marlenee	Sweeney
Dannemeyer	Martin (IL)	Swindall
Daub	Martin (NY)	Tauke
DeLay	McCandless	Thomas (CA)
Dickinson	McCollum	Vander Jagt
Dornan (CA)	Meyers	Volkmer
Dreier	Michel	Vucanovich
Dyson	Miller (OH)	Walker
Eckert (NY)	Montgomery	Weber
Edwards (OK)	Moore	Whittaker
Emerson	Moorhead	Young (AK)
Evans (IA)	Myers	Young (FL)
Fawell	Nielson	Young (MO)
Fields	Packard	
Frenzel	Parris	
Gekas	Petri	
Gingrich	Regula	

NOT VOTING—75

Akaka	Gephardt	Nichols
Alexander	Gibbons	O'Brien
Badham	Grotberg	Oxley
Barnard	Hansen	Pickle
Berman	Hartnett	Pursell
Biaggi	Hatcher	Rose
Boland	Hawkins	Roybal
Breaux	Heftel	Scheuer
Broomfield	Henry	Schulze
Brown (CA)	Hillis	Sisisky
Campbell	Johnson	Skelton
Chappell	Kaptur	Stangeland
Chappie	Kramer	Strang
Cheney	LaFalce	Stump
Clay	Lehman (CA)	Synar
Coelho	Lloyd	Taylor
Coughlin	Lott	Torricelli
Davis	Lundine	Traxler
de la Garza	MacKay	Valentine
Dellums	Mavroules	Whitehurst
Dowdy	Miller (CA)	Whitley
Early	Molinari	Wilson
Fiedler	Mollohan	Wise
Franklin	Monson	Wylie
Fuqua	Murphy	Zschau

□ 1735

The Clerk announced the following pairs:

On this vote:

Mr. Dellums for, with Mr. Badham against.

Mr. Akaka for, with Mr. Cheney against.

Mr. Torricelli for, with Mr. Monson against.

Ms. Kaptur for, with Mr. Oxley against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. FRANK). Pursuant to the provisions of House Resolution 464, the Committee on Government Operations is discharged from further consideration of the Senate bill (S. 2251) to authorize the Administrator of General Services to convey property to the District of Columbia, and for other purposes. The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. BROOKS

Mr. BROOKS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BROOKS moves to strike out all after the enacting clause of the Senate bill, S. 2251 and to insert in lieu thereof the provisions contained in H.R. 4784 as passed by the House, as follows:

That the Administrator of General Services shall, within five days after the date of enactment of this Act, transfer jurisdiction over the property located at 425 Second Street, Northwest, in the District of Columbia, to the municipal government of the District of Columbia in accordance with section 1 of the Act of May 20, 1932 (40 U.S.C. 122), other than the first proviso of such section, solely for purposes of administration and maintenance of such property for providing shelter and related services to homeless individuals in the District of Columbia and for other use in the protection of the public health.

SEC. 2. Upon the transfer of jurisdiction pursuant to the first section of this Act, the Federal Government (1) shall not be liable for injuries or damages that occur while the property is under the jurisdiction of the municipal government of the District of Columbia and that arise out of the operation, maintenance, repair, renovation, reconstruction, or other capital improvement of that property by such municipal government; and (2) shall not be responsible for the operation, maintenance, repair, renovation, reconstruction, or other capital improvement of that property while the property is under the jurisdiction of such municipal government. Nothing in this section shall be deemed to prohibit the Federal Government from funding the renovation of the property.

SEC. 3. The property referred to in the first section is more fully described as follows:

All that parcel situated in the Northeast quadrant of the City of Washington, District of Columbia, and being a portion of District of Columbia Square Numbered 571, containing in their entirety former lots numbered 9 through 18, inclusive, and 22 through 26, inclusive, as recorded in Liber B, Folio 160 of the Records of the Office of

the Surveyor for the District of Columbia, and lots 45 through 51 inclusive, as recorded in Liber 19, Folio 118 of the Records of the Office of the Surveyor for the District of Columbia; such land now known for purposes of assessment as Lot 820, and containing 1.16 acres of land, more or less; and more particularly described in a deed between the Reconstruction Finance Corporation and the United States of America, dated July 30, 1947, and recorded in Liber 8761, Folio 79 of the Land Records of the District of Columbia.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "An Act to require the transfer of jurisdiction to the District of Columbia over certain property to permit such property to be used as a shelter for the homeless."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 4784) was laid on the table.

GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on H.R. 4784, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION FOR COMMITTEE ON AGRICULTURE TO HAVE UNTIL MIDNIGHT, FRIDAY, JUNE 6, 1986, TO FILE REPORT ON H.R. 4613, FUTURES TRADING ACT OF 1986

Mr. JONES of Tennessee. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may have until midnight Friday, June 6, to file a report on H.R. 4613, the Futures Trading Act of 1986.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

Mr. LOEFFLER. Mr. Speaker, reserving the right to object, I have no reason to object, but I would like the distinguished subcommittee chairman to respond to a question.

Has this been cleared with the minority?

Mr. JONES of Tennessee. Mr. Speaker, if the gentleman will yield, the answer is yes, it has.

Mr. LOEFFLER. Mr. Speaker, I withdraw my reservation of objection.

Mr. SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. LOEFFLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOEFFLER. Mr. Speaker, I take this time for the purpose of determining the schedule for Monday next and the balance of the week will be.

Mr. HEFNER. Mr. Speaker, will the gentleman yield?

Mr. LOEFFLER. I yield to the distinguished majority leadership, the gentleman from North Carolina [Mr. HEFNER], who is the chairman of the Military Construction Subcommittee, who might respond to my inquiry.

Mr. HEFNER. I thank the gentleman for yielding.

Mr. Speaker, this will complete the business of the House for the remainder of the day and for the week.

As for next week, there will be no votes on Monday and there will be no votes on Tuesday because there are a series of primaries across the country. The votes will be put off.

Wednesday we will finish the Housing Act and three suspensions and we will have votes on Wednesday next.

Mr. LOEFFLER. Mr. Speaker, I wonder if the distinguished gentleman from North Carolina would allow the membership to know what votes will be up for suspension on Monday and Tuesday, and the what would be considered for the balance of the week.

Mr. HEFNER. On Monday the House will consider:

S. 1106, distribution of judgment funds for the Saginaw-Chippewa Tribe of Michigan; and

H.R. 2591, gold medal for Jan Scruggs, John Wheeler, and Robert Doubek for their efforts on behalf of the Vietnam Veterans Memorial.

On Tuesday, the House meets at noon to consider H.R. 4116, Domestic Volunteer Services Act [VISTA].

On Wednesday the House will complete consideration of the Housing Act of 1985; H.R. 4116, the Domestic Volunteer Services Act [VISTA]; H.R. 4175, the Maritime Authorizations for Fiscal Year 1987; the H.R. 4510, Export-Import Bank amendments.

Mr. LOEFFLER. I wonder if the distinguished gentleman from North Carolina could enlighten the body as to whether the majority leadership anticipates being in session on Friday next.

Mr. HEFNER. If the gentleman will yield further, there is no guarantee that there will not be a Friday session, but if the business of the House for the week is completed there will be no votes on Friday. Hopefully, we will complete our work and there will be no votes on Friday.

Mr. LOEFFLER. I thank the distinguished gentleman from North Carolina.

ADJOURNMENT TO MONDAY, JUNE 9, 1986

Mr. HEFNER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12 noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HEFNER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore (Mr. MOODY). Is there objection to the request of the gentleman from North Carolina?

There was was no objection.

MAYOR KOCH AND MONEY LAUNDERING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. LUNGREN] is recognized for 5 minutes.

Mr. LUNGREN. Mr. Speaker, last week, Mayor Ed Koch sent the Congress a dramatic, even desperate plea for narcotics control legislation. Although some aspects of his proposal may prove controversial, his appeal for money laundering legislation is wholly consistent with the new realities in the drug war.

Recent news reports have revealed an explosion in the production and availability of heroin,. cocaine, and marijuana. Chief Daryl Gates of the Los Angeles Police Department told Newsweek magazine that his force has confiscated over 3 tons of cocaine in 1986, a total that actually exceeds the amount seized on the 3 previous years. Similarly, United States authorities seized over 10,700 pounds of cocaine at the Mexico/California border between October 1985 and March of this year. This is an amount three times greater than the total weight of cocaine seized over the previous 5 years. Finally, the Drug Enforcement Agency has reported alarming new developments in Mexico concerning class 1 drug traffickers, The DEA cites a significant increase in the number of these individuals, who operate networks capable of acquiring and selling many pounds of cocaine and heroin and many tons of marijuana.

What is the fuel that empowers this machinery of death? Simply put, it is money. As I pointed out in a previous special order on this subject, the Drug Enforcement Agency has estimated that somewhere between $50 billion and $75 billion in laundered crime

money proceeds from drug trafficking alone. While skeptics may scoff at the enormity of such figures, an article in Tuesday's New York Times appears to confirm the dimensions of the problem. According to the article, entitled "Mexico Drug Profits Flowing to U.S.," court records in San Antonio reveal that some 40 United States banks of local and national proportions were used to hide profits by a Mexican drug group that had imported over $125 million in marijuana. The Times adds that "two Mexican drug dealers, Juan Jose Quintero-Payan and Emilio Quintero, made large cash deposits in the United States, according to the indictment. Another Mexican, Carlos Behn, a banker in Guadalajara, is alleged to have devised a scheme to launder $6.275 million from the Cayman Islands through banks in New York and Houston. Among the banks that the indictment mentions as being indicted were Citibank in New York City and a branch of the Bank of America in San Diego." As I indicated almost 4 months ago, the scope of this murderous finance has reached the proportions of multinational operations.

Fortunately for law enforcement, drug smugglers do not always use the most sophisticated methods. United States Customs Service Chief William von Raab has observed that the small Texas town of Presidio, along the Mexican border, has been overwhelmed with narcotics profits. One bank in the town of 7,100 has taken so many deposits lately that it is now the sixth largest bank in Texas. This is despite the fact that almost half of Presidio's tiny population lives at or below the poverty line. Clearly, the numbers of narcotics-related deposits and their amounts constitute a major infection of the U.S. financial system, an infection that cannot be combated within the narrow corridors of present money-laundering legislation.

Mr. Speaker, I still find it incredible that at the present time there is not a single statute directly addressing the problem of money laundering. Most prosecutions in the area are brought under the Bank Secrecy Act, which impose criminal penalties only for violations of its reporting and record-keeping requirements. The financial institutions file currency transaction reports when more than $10,000 is involved in a transaction. Thus the money launderer complies with the actual requirements by simply filing the required forms. The secrecy of the money launderer's operations is apparently facilitated by certain provisions of the Right to Privacy Act, which obstruct Government inquiries into potentially illicit financial dealings.

Despite the fact that several of my colleagues, including BILL MCCOLLUM, J.J. PICKLE, BILL HUGHES, and FERNAND ST GERMAIN, have offered legislation that responds to these problems, some may argue that Congress has other priorities for the remainder of 1986. Why not procrastinate and worry about tax reform, budget negotiations, and other concerns? Unfortunately, our society cannot tolerate without response the escalating drug war that is being waged against it. The National Institute of Justice, the research wing of the Department of Justice, reported on Tuesday that over half the individuals arrested in New York City and Washington, DC for serious crimes were using one or more drugs. The institute reached this conclusion based on urinanalysis tests given to some 14,000 defendants in criminal cases. According to the New York Times, "the study found that 56 percent of the men and 69 percent of the women tested in New York had used drugs. In Washington, the figure was 56 percent for both sexes." In my opinion, the Washington figures are especially disturbing because PCP was the narcotic of choice among criminals in that city. In any event, these figures appear to provide empirical confirmation of the proposition long held by law enforcement officials that narcotics abuse contributes to crime. The survey seems to suggest that if anything, law enforcement has underestimated the gravity of the problem: Drug abuse may not simply add to crime, but in fact may be one of its foundations.

Changes in drug preferences may soon exacerbate this phenomenon. Last week, Time magazine headlined its "Nation" section with a story on crack, the new and increasingly popular variety of cocaine. According to the Time report, 55 percent of all cocaine arrests in the city of New York involve crack. And crack constitutes over two-thirds of all cocaine arrests in Los Angeles. The compulsive character of crack, which concentrates all of the user's attention on his next fix, may be generating a new wave of violent crime, according to the New York Police Department. Time notes that "in one instance, Victor Aponte, a 16-year-old addict, confessed to stabbing his mother to death after she caught him smoking crack."

Speaking frankly, I find it sickening that anyone could profit from the pit of horror into which the Apontes have fallen. But drug traffickers do profit from such insanity, and present law often allows them to hide their gains in U.S. financial institutions. How much longer will we allow this outrage to continue? How much longer will we delay acting to restrict these hiding places and to obstruct the traffickers' access to the profits that incite their crimes? Mr. Speaker, respect for human dignity and the safety of our streets demand money laundering legislation this year.

Mr. Speaker, I include in the RECORD a letter from Mayor Ed Koch of New York and an editorial from the New York Times.

The documents follow:

THE CITY OF NEW YORK,
OFFICE OF THE MAYOR,
New York, NY, May 22, 1986.

Hon. DANIEL E. LUNGREN,
Member of Congress, Washington, DC

DEAR DAN: I write to propose a number of serious and sweeping recommendations to aggressively attack a contagion that afflicts our nation: major drug traffickers.

As you know, it has been my practice, both as Mayor and as a Member of Congress, to speak out directly and frequently on drug abuse and its effect on our country and our citizens. Throughout my years in public life, I have sought and supported a host of innovative approaches which offered great promise as effective responses to the virtual invasion of our shores by illicit narcotics.

As Mayor, I have implemented, both directly and indirectly, a vast range of local anti-drug initiatives, including intensified police enforcement, coordinated prosecution, educational programs, and others. Sadly, despite the honest and determined efforts of many, we have had only limited success in combatting drug abuse in New York City.

Accordingly, I have in recent years urged the Federal government to be an active partner with state and local agencies in addressing the unstaunched flow of drugs which threaten us all. Indeed, last year Congress and the President acted to enable the Coast Guard to assist the Navy in interdicting drug-laden ships at sea. While this innovative approach is welcome and will be helpful, it will never entirely deter or discourage the drug importers and wholesalers. To do that, direct involvement by every branch of our Armed Forces would be necessary. Now, from the perspective of one who sees the corrosion and death of our people at the hands of callous criminals driven by huge profit and the unlikelihood of detection, I have come to the conclusion that the United States Government must fashion new initiatives that will no doubt be hard medicine to some, but which offer fresh hope in the battle against drugs.

Simply put, I call upon the Congress to restructure Federal law pertaining to narcotics in four ways: first, to enact a death penalty statute for those who traffic in narcotic drugs at the wholesale level; second, to direct that Federal drug cases be prosecuted in newly-created United States Narcotics Courts, which shall hear only such matters; third, to incarcerate convicted drug offenders in specially-designated United States Narcotics Prisons; fourth, to pass a Federal money-laundering statute.

I have asked my staff to prepare position papers on each of these proposals for review by the appropriate Congressional committees. Let me now, however, touch briefly on their merit.

While all agree that capital punishment is an extraordinary remedy, we are facing an extraordinary peril: the continued erosion of American society by those who would disable us for unmasked self-enrichment. A carefully crafted death penalty law will send a clear and unmistakable message which even the strictest of our state statutes has been unable to convey: that the risk of trafficking in narcotics is not imprisonment, but death.

Second, I am convinced that drug prosecutions are so important to our people that they warrant separate courts and prisons. Leaving aside the administrative and other details inherent in this suggestion, it is vital that the drug offender know that justice will be swifter and surer with this new and exclusive processing scheme. The goal, once again, is deterrence; and the message that would emanate from the separation of drug cases and offenders from all others will indeed be a deterrence.

Finally, Federal law enforcement officials estimate that $50-75 billion in illegal drug money is realized in the United States each year and that some $5-15 billion of it probably moves into international financial channels. As the 1984 interim report of the President's Commission on Organized Crime ("The Cash Connection") observed:

"The effects of money laundering, however, are too pernicious and too widespread to justify the belief that a highly limited scheme of Federal regulation, standing alone, will suffice to deal with the problem. The complex and sometimes ingenious techniques of professional money launderers make it possible for drug traffickers and other criminals to conduct illegal activities with substanial confidence that the profits from such activities can be safeguarded from detection and seizure by law enforcement agencies."

The President's Commission recommended amendment of Title 18 of the United States Code to add a section that would explicitly prohibit money transactions by those who intend to promote unlawful activities or who know that the transaction represents proceeds from such activities. Given the scope and impact of money laundering, the absence of a Federal redress is indefensible.

In the days ahead, some will ask whether the remedy is worth the cure. In my view, there can be but one responsible and unequivocal answer: yes.

I look forward to working with the Congress on these proposals and my staff is available to address any questions you may have.

Sincerely,

EDWARD I. KOCH, *Mayor.*

MEXICO DRUG PROFITS FLOWING TO U.S.

(By Jeff Gerth)

WASHINGTON, June 2.—Mexican drug traffickers have deposited billions of dollars in United States banks and other financial institutions in recent years, a significant part of their illicit profits, according to public documents and American law enforcement officials.

Documents in one case now being tried in San Antonio show that 40 banks, ranging from tiny Texas border banks to some of the nation's largest, were used to hide profits by a Mexican ring reported to have imported some $125 million of marijuana into the United States.

Financial institutions are generally not prohibited from accepting criminal-related funds provided all large cast transactions are reported to the Federal Government.

OFFICIALS CRITICIZE BANKS

Federal law enforcement officials said few United States banks knowingly handle transactions linked to drugs or other illegal activities. But the officials criticized banks for too easily accepting what turn out to be drug related deposits.

Bankers said they had sometimes unwittingly accepted Mexican drug monies, thinking they represented capital flight from Mexico. Capital flight, which consists of funds invested abroad, is often hard to distinguish from drug funds and is actively sought by banks.

In recent days some United States law-enforcement officials have harshly criticized Mexico for not prosecuting drug traffickers vigorously enough. Drug enforcement officials here said the use of American banks by Mexican drug rings showed that stopping Mexican drug trafficking was a problem for both countries.

Leonardo French, a spokesman for the Mexican Embassy in Washington, said any solution meant attacking "all the links in this chain of criminal activity," including money laundering, drug distribution and drug consumption. Most of these, he said, "are not in Mexico."

'NOT INVESTED IN MEXICO'

Another Mexican offical, when asked what happened to profits from drug deals in his country, said: "It's not invested in Mexico. You can't see any boom anywhere as a result of drug trafficking."

Charles E. Lewis, the Justice Department prosecutor in the San Antonio case and coordinator of the Gulf Coast task force fighting drug traffic, said in an interview: "The banking industry has been getting away from the know-thy-customer rule. I don't see that rule being followed with any vigor in some of the larger investigations we've been involved in."

Bankers say that their policies prohibit acceptance of narcotics funds and that they try to screen depositors.

"If we are being used as a conduit we ask them to go elsewhere," said Jim. M. McVay, executive vice president at the First City National Bank of El Paso. He said his bank thought a $6.5 million deposit in 1984 was Mexican capital flight; court papers show it was proceeds from a Mexican drug ring.

Mr. McVay, in remarks echoed by numerous other bankers, said: "The additional regulatory requirements placed on banks to screen customers just adds to costs. Where do you draw the line and stop the banks from being the policing arm of the Government?"

MORE DILIGENCE URGED

Charles W. Blau, a Deputy Associate Attorney General, has unsuccessfully tried to get bankers to support the Administration's money-laundering bill now before Congress. The bill includes a clause calling on banks to exercise more diligence in accepting funds.

In an interview, Mr. Blau said bankers had a "duty and a responsibility to their customers and the physical well-being of the country" to exercise more diligence.

United States banks have improved their compliance with Federal laws requiring the reporting of large cash transactions, although in the past some banks have been fined for failing to report transactions involving drug monies from Mexico and elsewhere, according to Treasury officials. Most banks also cooperate with officials in investigations.

Yet Mexican drug traffickers still use American banks for several reasons, according to documents and officials. One factor is the geographical, cultural and economic ties between Mexico and the United States. Another is the tens of billions of dollars in capital flight from Mexico, in which Mexicans transfer money abroad, often in secretive ways that resemble the movement of drug money.

"When we receive money from somewhere else, we have no way of knowing whether it's legitimate or not," said Donald Shuffstall, senior vice president at Bank El Paso.

Information about the finances of Mexican drug traffic is incomplete and murky. Officials estimate that profits amount to several billion dollars annually and say much of it passes through American banks, currency exchange houses and thrift institutions. Some monies move on to banks in Panama and Switzerland while others are invested in American real estate and other assets.

In the case being tried in San Antonio, two Mexican drug dealers, Juan José Quintero-Payán and Emilio Quintero, made large cash deposits in the United States, according to the indictment. Another Mexican, Carlos Behn, a banker in Guadalajara, is alleged to have devised a scheme to launder $6.275 million from the Cayman Islands through banks in New York and Houston.

Among the banks that the indictment mentions as being used by the defendants in the scheme were Citibank in New York City and a branch of the Bank of America in San Diego.

Spokesmen for both banks said they knew nothing about the case. They said that bank policies prohibited the acceptance of illegitimate funds and that officers were encouraged to make every effort to screen customers.

$25 MILLION DEPOSITED

Court records in El Paso show that another Mexican drug ring, which was clearing $10 million to $20 million a month from heroin, cocaine and marijuana, had deposited more than $25 million in a few months in banks and financial institutions in Texas and California.

The main investment broker for this group, records show, was Mardoqueo M. Alfaro, a former banker in Guadalajara. Last year, Mr. Alfaro was indicted in Phoenix in connection with a ring that smuggled Colombian cocaine through Mexico into the United States. Prosecutors said that the ring, half of whom have already pleaded guilty, had about $200 million in revenues a year. Mr. Alfaro is a fugitive in that case.

The indictment details tens of millions of dollars in transactions, involving institutions ranging from a savings and loan in Laredo, Tex., to large banks in New York City and Geneva.

WIDE DRUG USE FOUND IN PEOPLE HELD IN CRIMES—OVER 50% IN NEW YORK AND NATION'S CAPITAL

WASHINGTON, June 3.—More than half of the men and women arrested in New York City and Washington, D.C., for serious crimes were found to be using one or more illegal drugs, a rate much higher than previously believed, according to a Justice Department study released today.

The study found that more than a quarter of those arrested in the two cities were using more than one drug close to the time of arrest.

"The researchers were amazed at the findings," said James K. Stewart, director of the National Institute of Justice, the department's principal research agency, which conducted the study. "Previous estimates of drug use among defendants were much lower."

The institute's study, based on results of urinanalysis tests given to more than 14,000 defendants, found that cocaine was the most popular drug among those arrested in

New York while phencyclidine, or PCP, was the most-used drug by those arrested in Washington.

Marijuana and alcohol were not checked in the study.

'AN ENTIRELY NEW PICTURE'

In a written statement, Mr. Stewart said that law-enforcement officials had previously believed that perhaps one-quarter to one-third of criminal defendants in the two cities would be found to be drug abusers. "Now we have an entirely new picture," he said.

In the District of Columbia, the study found, 10 percent of those tested who did not show signs of drug use nonetheless acknowledged that they did use illegal drugs at times.

Mr. Stewart said that that would mean nearly two-thirds of the people arrested in Washington were drug users, twice the number that experts had predicted before the study.

The testing was conducted on nearly 4,600 defendants in New York from April through October 1984. About 9,800 defendants have been tested in Washington since March 1984, and the program is continuing here.

In New York, defendants arrested on misdemeanor and felony charges were asked to participate in the program and guaranteed that the results would be kept confidential.

Over all, the study found that 56 percent of the men and 69 percent of the women tested in New York had used drugs. In Washington, the figure was 56 percent for both sexes.

In New York, the study said, 60 percent of the defendants in forgery cases had used drugs near the time of their arrest, 56 percent in larcenies, 41 percent in sexual assault and 30 percent in fraud.

According to the study, 41 percent of the New York defendants had been using more than one drug. The most-used drug among the New York defendants was cocaine, which was detected in 36 percent of those tested. PCP had been used by 11 percent and opiates by 9 percent.

In Washington, 28 percent of the defendants were found to be using more than one drug. PCP use was detected in 39 percent, opiates in 13 percent and cocaine in 11 percent.

□ 1745

SALT II

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. KLECZKA] is recognized for 5 minutes.

Mr. KLECZKA. Mr. Speaker, 7 months ago, I stood in this Chamber and applauded as the President announced his return from Geneva. Both sides had agreed in principle, we were told, to pursue deep reductions in offensive nuclear systems.

Well, Mr. Speaker, I'm not applauding any longer. The President's decision to break out of the SALT II treaty makes a mockery of his commitment to arms control, and has pushed us to the brink of a costly and dangerous new chapter in the arms race.

Does the President really believe that removing SALT II's limits on nuclear missiles will force the Soviets to bargain more seriously for arms reductions? The lessons of history suggest not.

Does the President really believe that we can win a new arms race? The facts are that Soviet hot production facilities and idle payload capacity give them a distinct advantage in deploying new warheads, at least in the near term.

Mr. Speaker, who will benefit from billions in new expenditures for nuclear arms? Who will benefit from the sacrifice of strategic stability? Certainly not the United States, and certainly not the cause of peace.

Mr. Speaker, I urge my colleagues to join me in cosponsoring H.R. 4919, a bill to preserve the heart of SALT II through legislation. There may be no issue or legislation more important.

ORDERLY REFUGEE DEPARTURE PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. BILIRAKIS] is recognized for 5 minutes.

Mr. BILIRAKIS. Mr. Speaker, today, I introduced a resolution, along with my colleague from Ohio Congressman BOB MCEWEN, which expresses the strong support of the American Congress for the United Nations High Commissioner for Refugees Orderly Departure Program, under which 105,000 persons have safely left Vietnam since its inception in 1979.

Specifically, this concurrent resolution calls on the Socialist Republic of Vietnam to: First, immediately resume interviewing and processing applicants in Vietnam who have been given preliminary approval for resettlement in the United States under the orderly departure program; and second, permit the same and orderly departure of reeducation camp prisoners, Amerasian children and other persons of special humanitarian concern to the United States.

Senators DECONCINI and MURKOWSKI have already introduced the companion measure to this resolution, Senate Concurrent Resolution 143, and I am pleased to be joining my Senate colleagues in this effort.

Our interest in this program stems from a trip the two Senators and I and Congressman MCEWEN made to Southeast Asia in January of this year on behalf of American POW's and MIA's. While in Vietnam, staff members attached to our delegation visited the Phanat Nikhom Refugee Camp in Thailand and saw firsthand the need for this program to continue in full force.

Unfortunately, that is not the case at this moment. On January 1, 1986, the SRV suspended UNHCR interviewing and processing of applicants for departure to the United States. The breakdown in this most important program threatens to prevent long-awaited family reunions from taking place and to prolong the imprisonment of many Vietnamese who had ties with the United States or the former Government of the Republic of Vietnam.

As you may know, the orderly departure program was negotiated in 1979 in response to the flood of boat people who fled Vietnam in 1978 and 1979. Desperate to leave the country, many took to sea on unsafe vessels and lost their lives as a result of storms or pirate attacks. The orderly departure program has provided a humane and orderly process by which refugees can resettle in countries willing to accept them.

This resolution is intended to impress on the SRV the importance Congress places on continuation of this humanitarian program and the concern with which we view their suspension of refugee interviewing and processing. I urge my colleagues to join me in demonstrating your support for the orderly departure program by cosponsoring this resolution. We will be affirming that the legislative as well as the executive branch stands squarely behind this humanitarian effort.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. PEPPER] is recognized for 5 minutes.

Mr. PEPPER. Mr. Speaker, I was unavoidably absent yesterday, Wednesday, June 4, 1986, for roll No. 142, rejecting the Brueuter amendment. That amendment endeavored to alter the UDAG formula to one based on 50-percent distress and 50-percent project merit and give more consideration to grant applications from cities or urban counties that had not received UDAG assistance on or following December 21, 1983. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. GILMAN] is recognized for 5 minutes.

Mr. GILMAN. Mr. Speaker, I regret that I was unavoidably detained earlier today, causing me to miss rollcall vote No. 149 on the amendment offered by the gentleman from Texas [Mr. BARTLETT] to H.R. 1, the Housing Act of 1986. Had I been present I would have voted "no."

PRESIDENT'S DECISION TO ABANDON SALT II

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, I rise today to join with those Americans and those of our allies around the world who are condemning the President's decision to abandon SALT II later this year. This decision could have grave consequences on the course of arms negotiations. It represents a key crossroad—a choice to abandon limitations and move toward great-

er escalation. It is a particularly painful blow to those of us who have worked long and hard trying to achieve arms control negotiations between the world's superpowers.

There is no issue more central to the survival of this planet than the issue of arms control. No other single issue affects all people in all nations around the world as does the threat of nuclear annihilation. And yet, during the last 5 years, very little progress has been made in lessening the chances of a nuclear confrontation.

SALT II was, and is, the only thing standing between us and a spiralling arms race. Both nations have remained in substantial compliance with the numerical limitations imposed by the treaty for more than 7 years, even though the Senate has refused to even ratify the treaty.

President Reagan has repeatedly said that the Soviets have violated SALT II. If this is so, why has the United States not pursued the matter more aggressively with the appropriate forum established by the treaty for this purpose: The Standing Consultative Commission? We ought not abandon the treaty itself. After all, we have to ask ourselves: What is the alternative? Is it not better to have some kind of agreement that provides guidelines and benchmarks rather than none at all?

The United States cannot have it both ways—a 50-percent reduction in strategic nuclear forces and an escalation in the arms race. It does not take a genius to see the improbability of trying to reduce nuclear forces while at the same time removing the very limits that have tried to keep those forces down in the first place. It simply will not work.

Neither the American public nor the Congress will roll over and start paying for a renewed arms race. It is time to face budget realities. SALT gave us the opportunity to pursue a more reasonable defense policy within the obvious financial constraints we face. We cannot ignore these constraints and proceed headlong with a defense buildup that emphasizes quantity over quality, and overkill over efficiency. Those days are over.

Negotiations demand some degree of trust and good faith on both sides. Without that trust, no agreement will succeed. The recent incident at Chernobyl shows that the Soviet Union remains a closed society despite their agreement to onsight inspections. For our part, the United States now is willing to continue the arms race despite its commitment to arms reductions. It is time for both sides to stop playing these kinds of games and commit themselves to serious arms control negotiations.

A lack of guarantees does not mean that we should abandon all hope of negotiating these necessary agreements. After all, we have a common interest here. Neither the United States nor the Soviet Union wants to wage a nuclear war. Neither the United States nor the Soviet Union can afford an all-out arms race. We are on common ground.

I urge the President to continue to abide by SALT. The stakes are too high. In order to ensure that the United States continues to comply with SALT II, I have cosponsored H.R. 4919, which would mandate U.S. compliance with the limitations on intercontinental ballistic missiles agreed to in the treaty. I will also support efforts in the appropriations process to cut off funding for any deployment that would violate SALT II. This is a serious time. And this is a serious issue. And we cannot afford to sit idly by while 10 years of arms control negotiations are thrown out of the window.

To abandon a treaty that the American people and our allies support would be wrong. There are risks. But they are risks worth taking, especially since the alternative is an escalating arms race and possible nuclear holocaust. I urge my colleagues to support H.R. 4919.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MACKAY] is recognized for 5 minutes.

Mr. MACKAY. Mr. Speaker, it was necessary for me to be away from the Capitol. As a result I missed the following votes. Had I been able to vote, I would have voted as follows:

For the rule on H.R. 4116;

Against the DioGuardi amendment; and

For H.R. 4784 on passage.

FAST AND PRAYER VIGIL FOR SOVIET JEWS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. MRAZEK] is recognized for 60 minutes.

GENERAL LEAVE

Mr. MRAZEK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MRAZEK. Mr. Speaker, today, in the front of the Capitol, on the same steps where Abraham Lincoln delivered two inaugural addresses, dozens of Members of the House and Senate joined together to again draw attention for the fourth consecutive year to the tragedy of hundreds of thousands of families separated by political barriers and philosophical walls of intolerance.

We came together in what was a fast and prayer vigil for many Members of Congress. It may not seem like much that a Member of Congress would forego three consecutive meals, but when you look around at some of the Members of Congress, it is pretty hard for them actually to forego three consecutive meals in a fast.

In a small way, it is a demonstration of identification with hundreds of thousands of people in the Soviet Union who are forced to live through a seemingly endless night of repression.

We make this gesture primarily to see if we, in a small way, can help to join the public outcry in the free world to end the separation of families in the Soviet Union and in other places in this world.

Dozens of Soviet emigrees whose wives and daughters and sons and parents and grandparents remain chained to a land that they wish to leave, traveled miles to join us today on the steps of the Capitol.

□ 1755

For them, the white dome of the Capitol represents the pinnacle of freedom and basic human rights to oppressed people throughout the world.

I guess it is fair to say that many of us all too often take for granted just the simple and basic freedom of finding someone to fall in love with and share a life with, and it is hard to imagine what it would be like for us to enjoy that simple freedom to know that the person we do love is separated, thousands of miles away, and in some cases, not only days or weeks or months will go by, but years and decades will go by without any chance of seeing our loved ones.

I have two children, 7 and 4, the most exquisite joy in my life is watching them grow up and sharing the love with my wife of seeing them grow up.

Today we had a gentleman named Anatoly Michelson come to speak on the east front of the Capitol, who left behind his wife and his daughter 30 years ago in the Soviet Union, expecting that they would be rejoining him in a matter of weeks. He has not seen his wife or his daughter for 30 years.

I can only begin to imagine the agony that that would cause me and my family, if we were trying to face similar circumstances.

Each Member of Congress who joined me in this special vigil for separated family members in the Soviet Union has adopted his or her own case. Though time did not allow the dozens of Members who participated to highlight the plight of his or her family, I can only hope that the few cases we heard about today will not lead anyone into thinking that the number of cases of divided families is small. Indeed, it is monumental in terms of human suffering.

It is particularly fitting that we address this issue on a day when Soviet officials announced that 200 Soviets will be allowed to join their families in the United States. One of whom, in fact, is the wife of one of my constituents, Mr. Victor Gokhban. I do not think this development should lead to any complacency on our part for hundreds of thousands of Soviet jews still left behind the Iron Curtain.

It is particularly interesting to me that on this very day we stand here, in Washington the Kirov Ballet is performing here for the first time in 22 years. The ballet company was invited to the United States in "the spirit of

Geneva" and is performing at Wolf Trap, right outside of Washington.

Yet today I stood on the Capitol steps, on behalf of a 35-year-old woman from Leningrad named Natalia Mukovozova. Until 1979, Natalia was in fact the prima ballerina of the Kirov Ballet. That is, until in 1979 when she applied to emigrate, along with her parents and brother. She is no longer the prima ballerina of the Kirov Ballet; she is no longer a professional dancer in the Soviet Union.

In fact, she holds a menial job which she must quit every 6 months in order to reapply, under Soviet rules, to emigrate from her country and to join her family in New York. She has applied 10 times and has been refused 10 times. Her husband, an engineer, is now working as a manual laborer in Leningrad.

Mr. Speaker, while I support "the spirit of Geneva" and I understand the importance of what President Reagan calls private diplomacy, I think it is critically important that we do not fail to continue to speak out on behalf of those who have no one speaking out for them in their own land, and to at least have the knowledge that those of us in the free world who represent millions of people in the free world, have not forgotten them behind the Iron Curtain.

I want to particularly thank the gentleman from Illinois [Mr. PORTER], who cochaired the fast and vigil again this year for the fourth consecutive year with me and regret that he was unable to be present this evening.

I now yield to my distinguished colleague from Maryland, the chairman of the Helsinki Commission that has the important responsibility of monitoring human rights all over the world, an ardent advocate for human rights, STENY HOYER.

Mr. HOYER. Mr. Speaker, I want to commend my colleague, Representative BOB MRAZEK, for organizing this special order in order that we could speak out on a very tragic and very human topic as he has so well described, that of divided families. I also want to commend Representative MRAZEK and my colleague and good friend, Representative JOHN PORTER, for their excellent organization of the Fourth Annual Congressional Fast and Prayer Vigil which I was privileged to participate in this afternoon.

As Representative MRAZEK has pointed out, this year's fast and prayer vigil focused on the plight of thousands of divided families of all religions whose relations have been unable to leave the Soviet Union to join their families in the West. Each of us who participated did so on behalf of all such families but represented one in particular. I represented the Goldfarb family. The Goldfarb family lives in Maryland. Elena and Boris Goldfarb met while they were students in Moscow in 1984 and married a year later. On January 3, 1986, Boris, his parents and his sister finally received their exit visas. On February 13, Boris' wife Elena applied for a exit visa for herself and the couple's child. Since that time, a short time relative to many, many other families, she has been harassed and has been threatened with eviction from her current residence.

These circumstances I have just described, unfortunately, are not atypical. Separated families represent a poignant and often tragic issue for the Commission on Security and Cooperation in Europe of which I serve as cochairman, and my respected colleague from New York, Senator AL D'AMATO, serves as chairman.

The Commission is pleased Mr. Speaker, that the Soviet Government has announced that 200 Soviet citizens will soon be allowed to join their families in the United States. The identities, in fact of the first group of 36 resolved cases—plus one divided spouse and one dual national case—were communicated to the United States delegation on May 27 during the closing hours of the Human Contacts Experts Meeting in Bern, Switzerland.

I was pleased to have the opportunity to attend that, during the last days of the conference, along with Congressman ACKERMAN and Congressman BUSTAMANTE, who is here on the floor with us this evening.

This meeting, mandated by the 1983 Madrid Review Meeting, is part of the Helsinki process. The release of 36 divided United States-Soviet families—representing a total of 119 people—in conjunction with the Bern meeting underlines the importance of the Helsinki process. We sometimes overlook the importance of the Helsinki process for the peoples of Europe. This recent positive Soviet step highlights how the Helsinki process can contribute to improving the lives of people both in the United States and the Soviet Union. This is, however, the first time Mr. Speaker, that the Soviet Government has explicitly recognized its obligation to fulfill its Helsinki human contacts pledges.

In surprisingly short order, the Soviet Government announced the resolution of still another group of United States-Soviet divided family cases. On June 3, the State Department was told that 29 other divided family cases—representing 127 people—would soon be allowed to leave the U.S.S.R. According to State Department information, "28 are from Armenia, 1 each from Belorussia and Moldavia, 2 from Georgia, 3 from Estonia, 4 from Lithuania, 9 from Russia, and 17 from Ukraine. Of that total, approximately 16 may be Jewish."

I am pleased that the Soviet Government has resolved these divided family cases, many of whom have struggled for long years to rejoin their families in the United States. I would, however, as Mr. MRAZEK has so eloquently done, I would like to take this opportunity to call attention to the plight of a group of Soviet fiancees, husbands, and wives—many with children who still remain separated from their families. Only 1 out of this group of 21 cases recently has been promised emigration permission.

As Mr. MRAZEK pointed out, the longest standing unresolved United States-Soviet separated spouse case is that of Anatoly Michelson. He has not seen his wife and daughter in 30 years. He joined us this afternoon. Also, I had the opportunity of talking to him for an hour in my office before we went to the Human Contacts Conference in Bern.

Despite continued emigration applications and continued high-level United States support for the Michelson case, the Soviet Government refuses to resolve it, even after 30 years.

Another particularly poignant case is that of the Balovlenkov family. Yuri and Elena Balovlenkov were married in late 1978.

□ 1805

Ever since then, Yuri has been trying to get out of the Soviet Union to join his wife in Baltimore, MD. He has even gone on three life-threatening fasts in a desperate effort to pressure the Soviet Government to let him live with his wife and two daughters. They have two young daughters, one of whom he has never seen.

These divided families and these kinds of cases are at the essence of what the Helsinki Final Act was all about and what the Helsinki process is all about. The Helsinki Final Act is not a treaty, and it is therefore not a document under which legal obligations have been undertaken by the signatory nations but they have assumed moral and political obligations. Under the Helsinki Final Act there would be no doubt if the Soviets would comply with the act, the Balovlenkov family would be reunited.

Then there is the sad situation of the Kupermans, who have been married since 1982. Roman Kuperman's emigration applications are turned down because his departure is deemed "undesirable." Fran, who gave birth to a daughter, Natalie, in March of this year, has been denied permission to go to Moscow so her husband can be with Natalie.

So not only will the Soviet Union not permit her husband to exit the Soviet Union, they will not permit his wife and child to enter the Soviet Union. The Soviet citizens I have just mentioned are all in Moscow.

There are, Mr. Speaker, many, many others.

The first is the Jachno family of Ukraine. Peter Jachno managed to get out of the Soviet Union during World War II; he served in the U.S. Army during the Korean war and graduated from UCLA. In 1959, he went to Ukraine to visit his sick mother. Only in 1981 did Peter manage to get out of the U.S.S.R. again. Since 1982, his wife, Lydia, and son have been trying to emigrate from the U.S.S.R. to rejoin him in the United States.

Asker Suleymani was born in Iran. In 1948, Soviet troops forcibly took him to Soviet Azerbaidzhan. He came to the United States in 1977 to visit his aged father and decided not to go back to the Soviet Union. His wife, Maya, and three children have been applying to leave the U.S.S.R. since late 1979.

Galina Vileshina was forced to divorce her husband, Petras Pakenas, so that she could emigrate in 1980. Shortly before Galina left, they remarried. Since 1980, Petras Pakenas has repeatedly been denied an exit visa. He wants to rejoin his wife in New York City.

By describing the plight of these six families, I have tried to highlight the human tragedy represented by all the unresolved United States-Soviet family reunification and divided spouses cases. I understand that 60 such cases remain on State Department lists of unresolved cases. I appreciate the recent positive initiative undertaken by the Kremlin in resolving 65 cases, involving 244 individuals. In fact, these resolutions represent the largest number of United States-Soviet cases resolved at one time during the 30 years the State Department has maintained such lists.

Nevertheless, Mr. Speaker, today's fast and vigil, focused on the steps of the Capitol today, and led by BOB MRAZEK and JOHN PORTER, was undertaken to again emphasize that although some action has been taken, enough action will not have been taken until all the cases are resolved, until all families are accorded that basic right of which BOB MRAZEK spoke, to be with their husbands, to be with their wives, to be with their children and relatives, where they choose to be.

What must a nation fear if it accords its own citizens the right to live where they want, with whom they want? Those obligations have been undertaken by almost all the civilized world and are in writing in the Helsinki Final Act, politically undertaken to be observed by the Soviet Union and 34 other signatory nations. Lamentably, Mr. Speaker, that is not being done. And until such time as it is, those of us who have the privilege of living in freedom, those of us who have the privilege of exercising the most basic human rights to be with our families, must not be silent and must not forget.

Again I congratulate Mr. MRAZEK and Mr. PORTER for their leadership in this effort and for their continuing to remind us of the pain that exists because some nations do not follow that which they have said they would do for their citizens and for the citizens of the world.

Mr. MRAZEK. Mr. Speaker, I would like to express my appreciation to Congressman HOYER for a deeply moving and powerful statement on the subject in which he now, as chairman of the Helsinki Commission, commits a great deal of his time and energy to attempting to resolve, and at times it can be terribly frustrating. I applaud him for the tremendous commitment and dedication he has shown to that effort.

Mr. Speaker, I would now take the privilege of calling on my distinguished colleague, the dean of the Long Island delegation, a man who has been to the Soviet Union on several occasions on behalf of prisoners of conscience, confined behind the Iron Curtain, someone who has worked long and hard in the interest of human rights, Congressman NORMAN LENT of New York.

Mr. LENT. I thank the gentleman for yielding.

Mr. Speaker, I am very proud to have this opportunity to join my colleagues in the fourth annual congressional fast and prayer vigil. I want to commend the gentleman from New York [Mr. MRAZEK], the gentleman from Maryland [Mr. HOYER], as well as the gentleman from Illinois [Mr. PORTER], and all of those who have participated in this demonstration of public support for the cause of Soviet Jewry.

Mr. Speaker, this year's vigil focuses on the very tragic problem of divided families. The reunification of divided families has been a priority issue for the U.S. Government throughout decades of negotiations with the Soviet Union. This issue is a stated priority under the Helsinki accord agreements on human rights, which has been signed by both nations.

Finally, after many years, these dedicated and persistent efforts appear to be showing modest results. Last month, at the conclusion of the Bern Conference on Human Rights, the Soviet Government made the welcome announcement that over 200 Soviet citizens will be allowed to emigrate and be reunited with their spouses or families in the United States. This action represents the largest single resolution of human rights cases since the United States began pressing for family reunification in the midfifties.

The U.S. Government, Congress, and the American people welcome this development as a positive step toward improving relations between our two nations. Furthermore, this act represents progress in resolving other humanitarian cases and the larger question of emigration.

Today, we celebrate the joyous news that these brave individuals will be reunited with their loved ones after many years of waiting. This is only partial performance of Soviet obligations under the Helsinki accords. Full compliance is required! Sadly, there are tens of thousands of cases which remain unresolved. Our purpose here today is to plead the cases of all those who still wait behind the Iron Curtain.

I am participating on behalf of my own adopted prisoner of conscience, Ida Nudel. This brave woman has been waiting over 13 years for an exit visa. Alone and in desperate need of medical attention, Ida desperately wishes to be reunited with her only living relative, her sister, Elena Fridman of Israel, who was present and participated today on the Capitol steps.

After serving 4 years in a Siberian labor camp, Ida now lives in virtual exile in the small Moldavian town of Bendery and is forbidden from traveling to receive medical treatment for a serious heart ailment. She is not permitted to receive mail, and her communication with the outside world is severely restricted. Ida believes her continued refusal is nothing but KGB vindictiveness and even now here every move is followed by the KGB secret police.

Despite almost unbearable oppression and harassment, Ida refuses to give up hope. Known as the Guardian Angel of Prisoners of Conscience, she works tirelessly to obtain food, clothing, and other valuables for Soviet Jews serving sentences in Soviet prison and labor camps. She bravely refuses to capitulate to Soviet demands and persistently challenges the authorities to grant her a visa.

I am also participating in today's vigil on behalf of Vladimir and Efim, the twin sons of Riva Feldman who recently received permission to emigrate and is now living in Queens, NY. Riva's presence at today's rally is a personal and desperate plea that her sons be granted visas. They first applied for visas in 1970. Ten years later, Riva was granted permission, but she was forced to leave her sons behind. The Feldman family has suffered many years of hardship and heartbreak throughout this ordeal. We will continue to fight until they, too, are reunited and a family once again.

Our prayers and the public display of solidarity demonstrated here today will remind Ida Nudel, Vladimir and Efin Feldman, and thousands of other persecuted Soviet Jews that they are not alone in their struggle. We in the U.S. Congress are committed to aiding their cause, and we will keep up the pressure for progress on human rights issues. Moreover, our Government will

continue to make reunification of families a priority in any negotiations with the Soviet Government.

United together, our voices send a clear and unmistakable message to be heard around the world: We will keep on fighting until the dream of freedom comes true for all who seek it. Thank you.

Mr. MRAZEK. I thank my colleague from New York for that strong and powerful statement on behalf of those who participated with us today in this fast and vigil and whose agony will hopefully be ended much sooner as a direct result of the efforts of the gentleman from New York and so many others.

Mr. Speaker, I now would like to call on my distinguished colleague from Texas, Representative ALBERT BUSTAMANTE, who in just one term here in Congress has already established himself as a very forceful advocate on behalf of human rights.

Mr. BUSTAMANTE. Mr. Speaker, I want to thank my colleague from New York, Mr. Mrazek, for organizing the Fourth Annual Congressional Fast and Prayer Vigil for Soviet Jewry. I particularly appreciate this opportunity to highlight the problem of divided families in the Soviet Union.

Last week, I returned from Bern, Switzerland, where as member of the Helsinki Commission delegation I pressed human rights issues with Soviet and East block officials. The delegation let the Communist countries know that respect for human rights is absolutely necessary to create trust between nations. Without such trust, we cannot proceed with our important efforts to lessen international hostility.

While the Bern experts meeting on human contacts ended without agreement due to Soviet consistent violations of Helsinki human rights provisions, the Soviets announced that they would resolve about 70 divided family cases. Although the Soviet move is encouraging, their human rights record has not changed. The Soviet move itself serves to underline their cynical attitude toward human rights. The Soviets use their people as pawns to be exchanged for international public relations points.

Mr. Speaker, I personally know the toll of the cruel Soviet policy of using people as pawns. Of separating families and abusing the rights of their citizens so that when they momentarily let up, it is viewed as a magnanimous act. Two sets of parents in my district are subject to the Soviet manipulation of their lives. They are suffering the agony and pain of the Soviet imposed separation from their children in the Soviet Union.

At this time, Mr. Speaker, I want to bring attention to the cases of these two families. In 1979 Valentin and Clara Litvin came to this country. However, their daughter Irene Ghinis, her husband Boris and their children were not allowed to join them. The Ghinis family applied to emigrate from the Soviet Union for the first time on June 1978. They were refused permission for "security reasons." Since 1979 the Ghinises have tried to learn and maintain their Jewish traditions and have studied Hebrew. In 1980 Irene and Boris became directors of the unofficial Jewish kindergarten for refuseniks' children in Moscow. After constant harassment by the KGB the kindergarten was closed in 1982.

In 1978, Lev and Lilia Baytler emigrated from the Soviet Union. However their son Ilya from Leningrad and his family were not allowed to leave for "security reasons." In 1977 he quit his job and has been working since at a job which is not security related. He has been applying every half a year and every time his requests have been denied. Since applying to emigrate, these families have suffered personal and financial hardships over and above the pain of separation they are forced to endure.

Mr. Speaker, I hope this Congressional Fast and Prayer Vigil for Soviet Jewry highlighting the plight of Soviet divided families will reinvigorate our efforts on behalf of Soviet Jewry. Our examination of the plight of divided families sheds light into the Soviet human rights policy which manipulates these families and 400,000 refuseniks as pawns in the give and take of East-West relations.

□ 1820

Mr. MRAZEK. I thank the gentleman from Texas [Mr. BUSTAMANTE].

Mr. Speaker, I yield to the gentleman from Florida [Mr. BILIRAKIS], a gentleman who also has an extraordinary record on behalf of human rights.

Mr. BILIRAKIS. Mr. Speaker, today's Fast and Prayer Vigil on Behalf of Soviet Jewry is an important annual event for a number of reasons.

First and foremost, of course, we hope that by our fasting and prayers and remarks, we can encourage real progress for Soviet Jews waiting to emigrate. Our actions should impress on the Soviets the strength of our resolve to work for the freedom of Soviet Jewry and those of other faiths who wish to emigrate. The American people are committed to this effort. The Congress is committed to this effort. The administration is committed to this effort. We want the Soviets to know that this is an issue that will not go away until they recognize the basic human rights of Soviet Jews.

It is also important for Soviet Jews to know that free people around the world are aware of their plight and are speaking out on their behalf. We cannot let them think they are forgotten, and that is another reason why this annual fast and prayer vigil is so significant.

Third, this event serves an important purpose in galvanizing congressional support for Soviet Jewry. It is an opportunity to revitalize our commitment to helping the oppressed, a chance to reflect on what we have done and on what we need to do to promote Soviet cooperation on human rights issues.

This year, the focus of the fast and prayer vigil is on divided families, those individuals who are separated from a husband, wife, mother, father, brother, sister, son, or daughter living here in the United States or elsewhere in the West.

Recently, the Soviet Union announced that it intends to resolve 36 of these cases, involving 117 individuals. Certainly, this is good news.

However, there are thousands of other families who remain separated, and we must not let this window of opportunity close without pressing for a broad policy of family reunification in the Soviet Union.

One family for whom such a policy would mean an end to 30 years of separation is the family of Anatoly Michelson. Anatoly, who spoke today on the Capitol steps, has not seen his wife, Galina, or his daughter, Olga, for 30 years. Thirty years. It just is unfathomable that a husband and wife, a father and daughter would be denied a life together for so very long. I met and spoke with Galina in the Soviet Union last year—she is an attractive, courageous lady—but fast losing faith.

The Michelsons' long to throw off the distinction of being the longest standing unresolved family reunification case between the United States and the U.S.S.R. and to begin such a life together.

Since 1958, Anatoly has gone through the laborious procedures required by the Soviet Union to invite his wife and daughter to emigrate. In Moscow, Galina, who is now 65 and legally blind, Olga, Olga's husband and her son, submit emigration documents twice a year. Thus far, all their efforts have been in vain.

For the sake of the Michelsons and so many other families, I call on the Soviet Union to adopt a policy of free emigration for those who wish to join their families outside the U.S.S.R.

Such an act would be consistent with the commitments they made as signatories of the Helsinki Final Act and would demonstrate that there is common ground on which to build a more positive relationship between the United States and the Soviet Union. As we look forward to a second summit between our two countries, it is vital that the issue of divided families be on the agenda. Our efforts between now and then can make a differ-

ence in the attitude, and hopefully the actions, of the Soviet Union.

Thank you, Mr. Speaker, and I, too, thank Mr. MRAZEK for leading this special order.

Mr. MRAZEK. Mr. Speaker, I thank the gentleman from Florida [Mr. BILIRAKIS].

Mr. Speaker, I would conclude this special order by particularly thanking a number of Members of Congress who were very helpful in organizing this year's vigil, and particularly Senator PAUL SIMON, who was very active in efforts to reunite divided spouses; again Representative JOHN PORTER of Illinois; Senator RUDY BOSCHWITZ of Minnesota; Representative TOM LANTOS of California; and Representative JACK KEMP of New York, a member of the Helsinki Commission.

I will recognize that human rights abuses are not confined to the borders of the Soviet Union. They take place in so many different countries in this world, on virtually every continent.

It is important that we, as the greatest and most powerful democracy that has ever existed on the face of this planet Earth, use a portion of the power that we have at our disposal to try to bring about a world in which people will be able to enjoy the fundamental human freedom of living where they wish on this planet.

I believe personally in the power of prayer, and part of this vigil was devoted to those of us who do, in fact, share that belief. Those of us who are Christians, those who are Jews in this House of Representatives and over in the U.S. Senate, Republicans and Democrats alike, have joined together for hopefully what will be the last fast and vigil that will be necessary for those behind the Iron Curtain. If in fact that is not the case, then we will be back again next year and, hopefully, for as many years as it takes to accomplish the very important goal of seeing families reunited where they choose to live in this world.

Mr. Speaker, I understand there is one final speaker who wishes to participate in this special order, my distinguished colleague, the gentleman from Ohio [Mr. LUKEN].

Mr. LUKEN. Mr. Speaker, I am pleased to participate with the distinguished gentleman from New York in this special order on the plight of divided families in the Soviet Union which is part of the Fourth Annual Congressional Fast and Prayer Vigil for Soviet Jewry.

Like many other Members of Congress I am convinced that this type of vigilance and pressure are necessary and help to focus world public opinion on the Soviet Government and may cause them to live up to the human rights agreements they signed at Helsinki in 1975. Then the Soviet Union pledged to respect human rights including the right of citizens to emigrate freely and to pursue family reunification.

Since then however the Soviet Union's record on emigration and reunification has been dismal. Hundreds of thousands of Soviet citizens have expressed a desire to emigrate but only a handful have been allowed to leave the Soviet Union for a better life.

Earlier this year I traveled to the Soviet Union and visited with refusniks and their families and Soviet Government officials in Moscow and Leningrad. The situation was bleak but not without hope for all those I visited, yet none are included on the lists of those invited to apply for emigration visas by the Soviet Government.

When I was meeting and visiting with the refuseniks and their families I carefully tried to find out information about Alexander Kushnir, the brother of one of my constituents in Cincinnati.

Alexander Kushnir's case is indeed sad but it is a typical example of the divided family. Both of his parents and his sister have been allowed to emigrate. Yet he has been refused this right on the basis that he has been in the military and is said to know state secrets.

His family reports however that Alexander Kushnir's only employment was in a bakery!

Religiously, every 6 months for the past 8 years, Alexander Kushnir has applied for an exit visa to Israel. Supposedly it is easier to emigrate there than to the United States however he has been turned down repeatedly and subsequently fired from the job he then holds for the "traitorous" act of applying for a visa.

The case of the divided Kushnir family is indeed sad and I am grateful to Congressman MRAZEK for holding this special order so that I can help focus public awareness on the plight of Alexander Kushnir whose only crime is to want to rejoin his family.

□ 1830

Mr. MRAZEK. I want to thank the gentleman from Ohio for a deeply moving, powerful statement on behalf of another heroic family in the Soviet Union. I think, in many respects, they redefine courage almost every day, because year after year they must live with a state which obviously views them as traitors for simply wanting to live somewhere else. Again, I want to thank the gentleman very much.

It is extraordinary that these are people who continue to fight to leave their nation when they fully recognize that they are going to be perhaps commissioned to a mental hospital and injected with drugs of unknown origin and punished in as many different ways as a state can find to punish people who they simply cannot understand would want to leave a nation where there is simply too little freedom.

I would now have the pleasure of calling upon my colleague, the gentleman from California [Mr. DORNAN], who has been involved in human rights issues not only in the Soviet Union but in many different parts of this globe which are wracked by similar tragedies.

Mr. DORNAN of California. I thank the distinguished gentleman from New York and my friend. I think again that the impact we have here may seem small at the time, but when a miracle happens and a hero like Natan Shcharansky is released, we find out how occasionally one of our speeches here or one of our special orders, or this beautiful ceremony on the steps of the Capitol today, will filter its way, even in truncated form, into the Soviet press and that it appears maybe as sanitation paper, throwaway paper in one of the prisons, and one of the people, even in solitary confinement, can take one of these shreds of paper and, if luck is with him, match it up with something else, and with their uncanny ability to read between the lines will see, to use Natan Shcharansky's own words, that they are not forgotten.

The adopted Jewish dissident for my family is Yuri Federov. He was released from prison last year, but his sentencing since his early youth has been the terrible suppression of that freedom that just burns fiercely in the breast of some people no matter what country they are in, and I would like to just read briefly, as I did years ago when he was still in prison, not just under city arrest, the story of Yuri Federov. Very briefly:

Yuri was born on what is U.S. Flag Day here, June 14, 1943, in Moscow. As a young man he had what the authorities called an anti-Soviet personality.

In the early 1960's, at the age of 20, Federov was brought up on charges of anti-Soviet activities, that vague catch-all charge that they use to suppress that fierce love for freedom. He was sentenced to 5 years' imprisonment. The year was 1962.

In a prison camp in Mordovia, he met both Eduard Kuznetsov and Alexsei Murzhenko. They all became fast friends.

Following his release from prison, Federov returned home, convinced that probably anti-Soviet activity was absolutely futile. He made up his mind not to involve himself any further. But the KGB relentlessly hounded him, followed him everywhere. Finally he decided that he must escape the persecution, that he must leave the Soviet Union.

At that time Federov happened to meet again his old friend Kuznetsov,

who told him about a plan to obtain a plane and to simply fly over the very prison walls that the country's boundary had become. Federov pleaded to join them, and later Murzhenko was asked to join them. The plan never saw reality. Nine Jews and two non-Jewish dissidents, Murzhenko and Federov, were arrested at Smolny Airport, an airfield near Leningrad, on June 15, 1970.

During the infamous Leningrad trials, Federov stood courageously by his nine Jewish friends. He made a personal plea to the court for mercy for Jewish defendants Edward Kuznetsov and Mark Dymshitz. At the conclusion of those infamous Leningrad trials, Federov was sentenced to 15 years imprisonment. Keep in mind, he had already served 5. He was charged with treason and misappropriation of state property. He was sent to the strict regime camps of Perm, in the Ural Mountains. Federov was denied medical treatment, denied visits from his young wife, denied mail delivery. By 1980 his kidney condition had deteriorated and he was crippled from a calcium deficiency. These are the things we see destroy someone's health when they live in these gulag concentration camps for long periods of time, and even when they are released to that limited freedom within the Soviet Union, they probably have already lost 10, 15, or 20 years at the end of their lives. His eyesight had diminished, he was nearly blind. In fact, his health was so poor that his family reported to us in one letter to the United States that he was "nothing more than a vegetable" after the last visit when they had seen him.

We appealed for his release over and over again. Who can understand the valleys and the peaks of why the authorities that exist in the Kremlin will show what might otherwise be thought of as an act of mercy? They did release Yuri Federov on June 15, 1985. He had served his 15-year prison sentence, again added to the 5 in his early twenties.

The authorities, however, have not allowed him to return to Moscow. He is living in exile in Alexandrov. Those who have seen him say that he looks older than his mother. According to some sources—and this was reported last summer—his mother had a heart attack. She is also in a hospital in Alexandrov.

My wife writes to Yuri monthly at his address, and we have never received a response: Yuri Federov, U.S.S.R., Vladimirskaya Oblast, Alexandrov, Spartaskovskaya Ul. 56. I hope that anybody who is watching tonight will please also write to Yuri. The mail comes through in irregular schedules. You may get one letter out of hundreds written to you. He has never applied for an exit visa to emigrate to Israel. Again, his arrests go all the way back to 1970. It has been a rough short life for Yuri. It is with great pride that I step forward to speak out for him and pray for another miracle like that of Anatoly, now Natan, Shcharansky, and hope that some day I will have the honor of taking him around the Halls of this great U.S. Capitol in this beautiful free country and hear the testimony of his courage.

I again thank the gentleman for his contribution to that beautiful ceremony today which he so ably narrated and quarterbacked on the steps of the Capitol.

Mr. MRAZEK. I thank my friend from California for a deeply moving and tragic summation of a life behind the headlines. I guess all too often we pick up the morning paper and while we are sipping our coffee we read about a situation involving hundreds of thousands of people who simply have a basic wish to live in a different country with greater freedom. And it all depends on your perspective. If you are going off to work or kissing your children goodbye as they go to school and going on to the fulfillment of the American dream, with all of the freedoms we have, to pursue the career of our choice and so many other freedoms we too often take for granted, it is one thing. If you are there in the Soviet Union, living with it day after day after day, year after year, it is impossible to gauge the enormity of the tragedies being perpetrated on so many innocent lives.

Mr. DORNAN of California. If the gentleman will yield for 1 minute, when people write to the Union of Councils for Soviet Jews, they should be aware that there are heroes like this in the Soviet Union who, though not Jewish themselves, like Yuri Federov, have become as brothers with the Soviet Jews who are suffering so badly. So the Union of Councils for Soviet Jews will adopt these people also, as though they were Jewish dissidents, because this is one cause, one brotherhood and one sisterhood, and they are returning the deep friendship that he showed when he spoke out for his Jewish brothers as a non-Jew, that they have adopted him as a virtual blood brother to always speak out for Yuri, along with people of their own heritage, and I think that is wonderful.

Mr. MRAZEK. I agree with the gentleman.

Mr. Speaker, I would conclude my own statement by offering special praise to a woman who symbolizes the fight for freedom for Soviet Jews, who is the former president of the Union of Councils and now the executive director of the Long Island Committee for Soviet Jewry, a remarkable woman named Lynn Singer, who has been to the Soviet Union countless times now on behalf of prisoners of conscience and who has carried on this fight through so many frustrations and who I was so overjoyed to see embracing Anatoly Shcharansky, who she worked so hard for so many years to help free.

Mr. MACK. Mr. Speaker, earlier today I took part in a moving event on the Capitol steps which commemorated the struggle of Soviet citizens of all religions and walks of life that have one common bond. They are all members of that unfortunate group of Soviet citizens who have not been allowed by the Soviet authorities to join other family members in the West. These divided spouses and divided families are a living testament to one of the most cruel manifestations of the Soviet system. It is extremely difficult for us in the United States to understand the motivation for keeping families apart—refusing to allow husbands and wives to be together, preventing brothers and sisters from seeing one another, keeping children from enjoying the company of their parents.

America's concern for these basic human rights—the right to travel freely, to emigrate, to be with one's family—was one of the major motivations for the extensive negotiations that led to the signing of an agreement between the Soviet Union and the United States: The Helsinki Final Act, which committed the signatories to allow free emigration of their people to other nations.

Since the signing of the Helsinki Final Act in 1975, a major issue of contention between our two nations has been the implementation of the emigration requirements. Unfortunately, Soviet compliance with the Helsinki agreement has been dismal. Soviet citizens organized to monitor compliance with the agreement have been jailed, the granting of visas to those wishing to leave on religious grounds, including thousands of Jews, has slowed to a trickle, and the release of divided family members has been sporadic and miniscule in number.

A particular compelling divided family case is that of Anatoly Michelson and his family. Mr. Michelson, a semiretired engineer who currently lives in Sarasota, FL, was born in the Soviet Union in 1918, and graduated with an engineering degree from the Moscow Institute in 1940. That same year he married his wife, Galina, who was also a student at the institute. In 1948 their daughter Olga was born. Since graduation until the present time, Mr. Michelson has worked as an engineer, designing heavy production machinery. In 1956, he was a director of the Central Engineering Bureau for Foundry Equipment in Moscow.

At that time, the family applied for approval of a vacation trip to Europe. After waiting several months, only Mr. Michelson received approval. In June of 1956 Mr. Michelson left the Soviet Union for Vienna, Austria, where he applied for and was granted political asylum. Since that time, he and his family have tirelessly petitioned the Soviets for exit visas to allow Galina and Olga Michelson, as well as his grandson, Anatoly, born in 1979, to emigrate and reunite the family.

Since leaving for the West, Mr. Michelson has prospered in his chosen profession, working for chemical and engineering firms in West Germany, Pennsylvania, and Ohio. His employers have acknowledged his creativity, pro-

ductivity, and personal integrity. Mr. Michelson is the holder of at least 25 U.S. patents, and is the author of many articles in scholarly engineering journals. In short, he has been the kind of productive citizen that thrives on the exercise of one's abilities and talents in an environment of freedom. In 1969, the American people were proud to extend the merits of citizenship to Anatoly Michelson.

Since leaving the Soviet Union 30 years ago, literally hundreds of inquiries have been made to the Soviet authorities by himself and his family, German officials, U.S. Senators and Congressmen, the State Department, the U.S. Embassy in Moscow, the U.N. Commission on Refugees, U.N. Commission on Human Rights, the U.S. Commission on Security and Cooperation in Europe, and many private groups and individuals citizens. All of these petitions have been rebuffed.

Mr. Michelson is 67 years old and suffers from heart disease and diabetes. His wife, Galina, is 65 years old and legally blind by American standards. Mr. Michelson has not seen his daughter since she was 7 years old, and has never seen his grandson. Again, one must ask, What can be the motivation for such a heartless policy?

America cannot sit back and rest while the Soviet strongmen continue to abuse the basic human rights of their people and the families of American citizens. If the Soviets are serious about the promises they made President Reagan at Geneva, they they must expand upon the releases they have made to date and allow full emigration privileges for their people. I urge General Secretary Gorbachev to listen to the pleas of the Michelson family, if not in the interest of world peace and international cooperation, then out of a sense of compassion. I stand with the Michelson family and will not give up the fight until they are reunited.

Mr. DONNELLY. Mr. Speaker, last year I took the opportunity presented by the 1985 Congressional Vigil for Soviet Jewry to call my colleagues' attention to the nightmarish plight of the Soviet refusenik family of Alexander, Leah, and Faina Maryasin of the city of Riga. The Maryasins have been separated from their daughter Rita since she was allowed to emigrate to Israel in 1972. Since 1974, Alexander, Leah, and Faina have tried in vain to gain exit visas so they could be reunited as a family in Israel. The three family members still within the Soviet Union have been subjected to every imaginable harassment and persecution tactic by the state. Their existence is a difficult and harrowing ordeal. They do not deserve to be treated as criminals for wanting to live free outside the Soviet Union. They should have been afforded the basic human right of emigration and family reunification years ago. The Maryasins are a living example of the deprivation of internationally recognized human rights by the Soviet Government. There are many Soviet Jews in similarly tragic situations. Alexander and Polina Paritsky have just recently received another devastating refusal to their request for permission to obtain exit visas. Alexander endured debilitating solitary confinement as a prisoner of conscience so savage that it is difficult to understand how he survived. We must continue our efforts to gain freedom and justice for these embattled families. Their incredible bravery and immense suffering demands no less.

If the Soviets earnestly want to decrease world tensions and gain respect in the international community, they should realize that persecution of Soviet Jews and other dissidents must end. Nothing can be gained by imposing inhumane restrictions on the right to emigration, and on the right of its citizens to observe and practice their religion and culture.

The Maryasins, the Paritskys, Ida Nudel, and all the refuseniks in the Soviet Union know that we in the West have not forgotten them. We in Congress will not rest in our collective effort to gain their release. They have our commitment. We will not relent.

Mr. KOLBE. Mr. Speaker, I appreciate the opportunity to speak today on the plight of divided families in the Soviet Union and Soviet refuseniks. This is an important and timely issue, and I am glad Members of this body continue to show resolve in our desire for the Soviet Union to release the refuseniks as soon as possible. I think the recent announcement that the Soviets will resolve 36 cases of divided families is a sign that our commitment is not fruitless.

I personally am especially concerned about Veniamin Bogomolny and his wife Tatiana, refuseniks who have relatives here in the United States. Veniamin has the dubious distinction of being the longest waiting Soviet refusenik, according to the "Guinness Book of World Records." He has been trying to emigrate from the U.S.S.R. for almost two decades now.

in 1970, Veniamin was issued a draft notice and inducted into the Army, while his parents and three sisters were allowed to emigrate to Israel. After his discharge, Veniamin again applied unsuccessfully for an exit visa in 1972, and his subsequent efforts to leave the Soviet Union have been futile.

Veniamin and his wife Tatiana have been harassed continuously in the Soviet Union. Their apartment has been ransacked and their personal property vandalized and destroyed. Also, Veniamin's life has been threatened repeatedly and, occasionally, the Bogolmonys' telephone has been disconnected.

Tatiana's life is also threatened, but by a different brutal force. She has been diagnosed as having cancer and her health is declining. Tatiana and subsequently Veniamin have been invited to apply for exit visas, due perhaps because of her physical condition. However, as the Bogomolnys are not among the 117 refuseniks allowed to leave the Soviet Union, an invitation to apply is clearly not a ticket to freedom.

I can only imagine how the relatives of the Bogolmony couple who are free feel about this tragic situation. A despotic regime is detaining their child or their sibling or their cousin, in part at least because Veniamin believes in a higher authority. Veniamin believes in a being which is supreme to the Communist state—surely, these free relatives must be praying to that same being to assure the safety and someday the liberty of Veniamin and Tatiana.

The free relatives of the Bogolmonys must also be despairing over Tatiana's declining health. It must be very painful not being able to monitor the physical condition of a family member who is suffering from cancer.

Mr. Speaker, I commend the Members present today for their determination to see more Soviet refuseniks emigrate to freedom to join their families. I hope as a body we will continue to indicate our resolve on this issue, and I look forward to participating in events to help the refuseniks in the future.

Mr. WORTLEY. Mr. Speaker, the case of refusenik Zinovi Ostrovsky is both a striking and far too common example of the Soviet Union's refusal to respect its citizens' right to emigrate, a right that it subscribed to when it signed the Helsinki accords.

Zinovi is an engineer by profession. He is now working as a kitchen helper in a restaurant. Zinovi was fired from his engineering job in 1976 after his older sister applied for an emigration visa to Israel in 1976. This is an example of Soviet officials punishing family members of those who exercise their right to emigrate.

In the spring of 1979, Zinovi applied for an exit visa. He was last refused in 1984 because "his emigration is not in the interest of the state."

How can the emigration of a kitchen worker not be in the interest of the state? He has not worked as an engineer for 10 years!

Zinovi seeks to emigrate along with his wife and child. Except for a son by a previous marriage who does not live with him, these are his only close relatives remaining in the Soviet Union. His elderly father and one sister live in Israel. The other sister, Irene Grottel, lives in Brooklyn.

Zinovi desparately wishes to see his father before it is too late.

I assume that Soviet officials monitor these vigil speeches, so I want to take this opportunity to urge them to do the humane thing. Allow Zinovi Ostrovsky and his wife and child to emigrate. Allow Zinovi to see his father before he dies. Allow this family to be reunified.

Mr. PORTER. Mr. Speaker, I would like to commend my colleague from New York [Mr. MRAZEK], who is one of the strongest advocates in Congress in support of human rights and in defense of Soviet Jews. He is the key sponsor of the Fourth Annual Congressional Fast and Prayer Vigil that we celebrated today.

Today marks the Fourth Annual Fast and Prayer Vigil that the gentleman has sponsored. The vigil addresses the needs of people who are victims of an oppressive Soviet society and who are denied their fundamental human rights. Under the leadership of the gentleman from New York, today, many Members of the Congress committed to individuals who are separated from their loved ones by restrictive laws and policies.

The Soviet Union recently informed the United States Government that it intends to resolve separated family cases involving close to 200 individuals. According to the State Department, the Soviet action was the largest one-time response to three decades of American pressure to reunite separated families. Yet, despite these results, thousands of cases remain unresolved and family members yearn to be with their loved ones. Continued pres-

sure is needed to reunite parents and children, sisters and brothers, and husbands and wives.

Today, we are fasting on behalf of the brave individuals in the Soviet Union, victims of a system that is unwilling to act reasonably.

As part of the Vigil, I fast on behalf of Tamara Tretyekova and her son, Mark Levin, age 8, of Moscow, who are separated from their husband and father Simon Levin of Deerfield, IL. The Levin family exemplifies strength and determination that will continue to be unyielding until the day the family is reunited. They are being punished for asserting their fundamental freedom to live together, as a family, in the land of their choice.

This case touches me very deeply. I do not understand the logic of a government that can refuse to allow a husband to be with his wife, or the rationality of a government that denies a father the right to see a son who he has never seen.

When I met recently with a respresentative of the Soviet Government and discussed the case of Tamara Tretyekova and Mark, I was surprised by the actions of the official. Instead of responding to my questions with accusations of American human rights abuses, he actually listened and talked civilly without retorting with the same defensive line, which is the usual Soviet custom.

Today, we prayed and fasted and hoped that the Soviet Union will begin to live up to its international human rights commitments and that the persecution and harassment of Soviet Jews will end.

The Soviets are sending small signs that progress may be made on human rights as indicated by the release of Anatoly "Natan" Shcharansky, Yelena Bonner's travel to the West and the movement to reunite the divided family cases.

Nevertheless, the Soviet record on human rights still has far to go. Emigration continues at a trickle. Only 72 Jews were permitted to leave in April making the emigration total 272 Jews for the first third of 1986. At this rate the total for 1986 would be 846, well below last year's total of 1,140, a dismal amount as compared to the peak year of 1979 when over 51,000 Jews were able to emigrate.

We must stress to the Soviets that we will not be satisfied with sporadic humanitarian gestures. We want to see constant improvements and it is time that they recognize the high priority that the United States places on human rights.

Whether it is trade or arms control or science and technology that our negotiators have with the Soviet Union, I believe that we must make it clear that emigration and human rights are not only going to be somewhere on the agenda, but that they will be part of all negotiations.

Mr. Speaker, hopes and prayers and fasting on behalf of Soviet Jewry demonstrates our solidarity with these divided families But, we must do more.

We must continue to press the Soviets until we see substantive changes in their practices. Our voices will not be silent until the persecuted individuals in the Soviet Union are allowed to live freely with their loved ones in the land of their choice.

Mr. ATKINS. Mr. Speaker, today I gathered with a number of my colleagues to participate in the Fourth Annual Congressional Fast and Prayer Vigil for Soviet Jewry. The focus of this year's event is the plight of divided families, those who have been involuntarily separated from their relatives in the West. These families have been denied the freedom to join their relatives because in the eyes of the Soviet government they are criminals, hence without the right to emigrate. These people have not been accused of being criminals because they have committed heinous crimes against humanity, but rather because they have attempted to be part of humanity and exercise their freedoms of religion and speech.

I have the privilege to represent the Yakir family during this vigil. Since the days of the Stalin regime, this family has been the target of continued harassment and persecution.

Alexander Yakir and his parents Yevgeny and Rimma first applied to emigrate to Israel in October 1973. They were, and continue to be, denied visas because Soviet officials believe that Rimma, a computer engineer, possesses state secrets. On June 18, 1984, Alexander was arrested and charged with draft evasion. He is currently serving a two year sentence in the same labor camp in which his grandmother Klara spent 19 years during the Stalin regime. Alexander is scheduled to be released later this month.

According to reports from the State Department, the Soviet Union has recently allowed 244 individuals to join their families in the United States. This action represents the largest number of cases resolved at one time by the Soviet Union.

This release of 244 individuals is encouraging, and provides a glimmer of hope for the thousands of Soviet citizens still wishing to emigrate. We must continue to speak out on behalf of those who remain in the Soviet Union for our efforts may someday allow their desire to leave to become a reality. Therefore, we must not be satisfied with such small, symbolic gestures by the Soviet Union, but we must hold our applause until the Yakirs and all prisoners of conscience are given the right to emigrate and be reunited with their friends and relatives.

Mr. SEIBERLING. Mr. Speaker, the Soviet Union has informed the United States that it intends to move forward on resolving 36 separated family cases involving some 117 individuals. This is the largest Soviet response to nearly 30 years of pressure by the United States to end what may well be the cruelest of obstacles to free emigration thrown up by the Soviets: the deliberate enforced separation of American citizens from their Soviet spouses.

The decision by the Soviets to finally permit the emigration of these separated spouses is welcome news. When I last traveled to the Soviet Union on Interior Committee business, our congressional delegation raised the issue of separated spouses with Soviet officials. I got the impression that the Soviets were in fact willing to move to resolve these cases, and I am glad that they have now done so.

Sadly, however welcome this news may be, the reality is that life is still very difficult for the tens of thousands of individuals who still seek permission to emigrate from the Soviet Union to the United States, Israel, or anywhere else in the Western World. Indeed, Jewish emigration in particular has slowed to a trickle over the past few years. One can only hope that the latest Soviet action is an indication of better things to come for all those who seek to leave that country. In the meantime, we must continue efforts to mobilize public opinion in this country and around the world to exert moral and political pressure until the Soviets adopt more humane policies.

Mr. LANTOS. Mr. Speaker, I was proud to be a cosponsor of the Fourth Annual Fast and Prayer Vigil today on the steps of the Capitol. Standing among the sons and daughters, husbands and wives, mothers and fathers of Soviet citizens desiring to reunite their families here in the United States was one of the most powerful events I have ever experienced.

Today's vigil was both joyous and painful for all of us. Joyous because, as I stood on the steps in front of so many of my colleagues, and in front of the courageous family members, some who have travelled long distances to be with us, I realized that the tide is with those of us who work for greater human rights in the Soviet Union and elsewhere. It is inevitable that the insanity of preventing families to reunite, of preventing individuals from freely practicing their religion, of stopping individuals at the borders of their countries with a virtual "Berlin Wall" surrounding a nation, must eventually fall away and be repulsed by nations as intolerable in the 20th century.

But this does not mean that human rights will be respected oversight in the Soviet Union, or that such a change will come without long and arduous efforts by other countries. We have to face the facts.

Fact: Over 400,000 Soviet Jews have either recieved invitations or have attempted to join relatives and friends in Israel, the United States, or elsewhere. They are still waiting.

Fact: More than 25 Soviet Jews sit in Gulag cells for the "heinous crimes" of wishing to learn Hebrew, of wishing to discuss their desire to emigrate, or of corresponding with friends and relatives abroad.

Fact: While some 200 individuals have recently been granted permission to rejoin families in our country, Elena Friedman waits to embrace her sister, Ida Nudel; Kay Barner waits to meet her cousins, Yakov and Olga Galperin; Alexei Semyonov waits to greet his mother, Yelena Bonner, and step-father, Andrei Sakharov; Anatoly Michelson waits, now for over 30 years, to see his wife, Galina.

This was the pain of our meeting today. As we joined with families here in the United States and throughout the world in the sincere desire that their families soon be reunited, we must acknowledge that this may take a long time. Our vigil will not bring immediate changes to the Soviet policy of repression and persecution, but underlined one important point: that we in Congress will not rest until these families are reunited, that we in Congress will not look the other way when the Soviet Union talks about trade and urges us to ignore the suffering of divided families, that we in Congress will keep closely in heart the principles which founded this nation and which we will celebrate next month at the centennial of the Statue of Liberty—the principle that

without human rights, a country lacks a moral foundation, but that with human rights, we can build toward a more peaceful and more just society.

Mr. FISH. Mr. Speaker, I rise today with many of my colleagues to call attention to the plight of thousands of separated families of all religions whose relatives have been unable to leave the Soviet Union and join their loved ones in the West. Hundreds of Members of Congress took part in the hour long prayer vigil held on the steps of the U.S. Capitol today, along with human rights activists and members of separated families from across the country.

Today's public display of solidarity will remind those who are separated from their loved ones that they are not alone and that we are doing what we can to have them reunited.

The Soviet Union recently informed the U.S. Government that it intends to resolve 36 separated family cases involving 117 individuals. According to the State Department, this Soviet action is the largest one-time response to the three decades of American pressure to reunite separated families.

Yet despite these results, thousands and thousands of cases remain unresolved and family members yearn to be with their loved ones. Continued pressure is needed to reunite parents and children, sisters and brothers, and husbands and wives.

Therefore, now is the time to redouble our efforts on behalf of those still waiting to leave and to send a message to the Soviets that the issue of serrated families will not be allowed to die, and that it will be high on our agenda and on the United States agenda during any upcoming summit.

One compelling case is that of 44-year-old Leningrad mathematician-economist Dr. Vladimir Lifshitz. He, his wife Anna, son Boris, and daughter Maria have sought to emigrate to Israel since 1981. No reasons have been given for their repeated refusal, and in January of this year Dr. Lifshitz was arrested. He is charged with "anti-Soviet slander" for letters he wrote to Soviet authorities and to the Israeli Government seeking to emigrate. As of this date he is believed to be in the central prison of Leningrad, although his wife has not seen or spoken to him.

This appalling violation of the human rights of the Lifshitz family is made all the more egregious by the imminent conscription into military service of Dr. Lifshitz's son Boris. This, despite his documented serious medical condition and on acceptance to Boston University. I have sent a telegram to the Soviet Minister of Defense imploring him to suspend action on Boris' conscription until his medical condition betters and the disposition of his student exit visa is determined.

This is but one more in a series of repressive moves against the Lifshitz family for merely asking that their internationally recognized human rights be observed by the Soviet Union.

Today's vigil will be followed, I hope, by many more demonstrations of solidarity with the plight of those oppressed in the Soviet Union.

Mr. FASCELL. Mr. Speaker, I am pleased to participate in the Fourth Annual Congressional Prayer Vigil for Soviet Jewry, which this year focuses on divided families in the Soviet Union. I commend Representative MRAZEK for organizing this special order and I sincerely hope that our words will be heeded.

The Soviets have recently announced that they will allow over 200 individuals to reunite with their families in the United States. This is a welcome announcement, the sort we should expect, considering that the Soviets are obligated under the International Covenant on Civil and Political Rights to guarantee the right of emigration.

Unfortunately, however, this is not the case. Not only are families left divided by restrictive Soviet emigration policies, but many Jews who seek to go to their ancestral homeland have been denied this opportunity. In 1985, only 1,140 Soviet Jews were allowed to leave. The Soviets claim that the majority of the Jews who wanted to emigrate have already left, citing the over 250,000 Jews who have left since 1968. Authoritative sources, however, state that there are still over 400,000 Soviet Jews who are prevented from emigrating.

In addition to limiting emigration, the Soviet government has increased persecution of those who attempt to practice their religion or exercise cultural rights. Evidence of government-sponsored films, books, and articles which blatantly feature anti-Semitic themes abound. Thosle who apply to emigrate suffer punishment ranging from loss of job to harassment and, in some cases, imprisonment.

I would like to share with our colleagues a story with which many of you are familiar. With great sadness, I am compelled to call attention to the plight of the Slepak family—a family divided for over 15 years. Vladimir Slepak, a radio and television engineer, and his wife Maria, a physician, are forcibly separated from their two sons, Alexandr and Leonid. In 1970, the entire family applied to emigrate to Israel where they would join Maria's mother. Their request was denied, but in 1977, Alexandr was allowed to emigrate. In 1978, the Slepak's hung a banner from their balcony saying: "Let Us Go to Our Son in Israel." For this action, Vladimir was sentenced to a 5-year term of internal exile in Siberia. Maria's sentence was suspended, but she chose to join her husband. In 1979, their son Leonid was at last allowed to emigrate. In December of 1982, Vladimir completed his sentence and returned with Maria to Moscow where they, like so many other refuseniks, still await the day of reunification with their family.

Recently, I paid a visit to the Soviet Union with Representative BROOMFIELD and met the Slepaks, along with many other Jewish refuseniks and members of United States-Soviet divided familes. We assured them of Congress' strong support for their efforts to emigrate and to exercise their basic human rights. We also discussed this issue with various Soviet officials, including General Secretary Gorbachev. While receiving no firm commitments, the Soviets agreed to reconsider the individual cases that we raised.

I am hopeful that we will soon be receiving word that those cases, including the Slepaks, will be resolved. Until such time, however, as all divided families are reunited and all Soviet Jews are free to live wherever they choose, we must continue to speak out and to participate in events like today's fast and prayer vigil.

Mr. RODINO. Mr. Speaker, as one who has consistently advocated the right of free movement of people as so correctly and categorically stated in the Helsinki agreement;

As one who was instrumental in developing the initial program in 1971 to allow for the admission into the United States of Jews fleeing persecution from the Soviet Union;

As one who was instrumental in the enactment of the Refugee Act of 1980 which stands today as a vehicle for accepting Soviet Jews in the United States as refugees; and

As one who participates each year in the consultations with the administration on the refugee admissions program for each fiscal year and have made sure that sufficient numbers are made available for the reception of Soviet Jews who may be allowed to emigrate, I applaud the Soviet Union's recent action of allowing 244 of their nationals to leave the country to join their relatives in the United States. This action partially resolves a divided-family caseload which the United States has been pressuring for resolution for many years. As I understand there are still 60 additional divided-family cases on the agenda which are still a matter of negotiation. It is my hope that the completion of this family reunion caseload can be resolved immediately and that the United States and Soviet Union come to an agreement which will provide immediate family reunification in all prospective cases. Family reunification has been and continues to be the basic premise of our immigration policy.

While we applaud this action on the part of the Soviet Union and recognize the President's intervention on behalf of these persons, we, nonetheless, are concerned and seek resolution to the present status of the 400,000 Soviet Jewish hostages who are still seeking permission to leave, but are being held against their wills without any conditions for release. These people, because they seek to emigrate, are without jobs, means of livelihood, or opportunities for education. Still others are harassed, imprisoned or tortured because of their religious beliefs and attempts to exercise their fundamental rights.

Unless things have radically changed, which I very much doubt, historically, the Soviet immigration policy has always been determined by both foreign and domestic policy considerations. Emigration opportunities have clearly fluctuated in response to foreign policy objectives, particularly the overall state of East/West relations. Repression and violations of human liberties have been used by the Soviets in a callous and deliberate fashion to elicit desired responses from the West. In periods marked by favorable trade and credit arrangements and successful bilateral negotiations, emigration dramatically improved. Conversely, conditions markedly deteriorated in times of Soviet terrorism and aggression—witness the invasion of Afghanistan, and grain embargo, the restriction of high-technology sales, and the criticism of interventions in Angola, Central America, and the Middle East.

I mentioned at the beginning that I participated in the development of the Soviet Jewish refugee program to the United States in 1971.

Our efforts, small as they were at the outset, opened the way for large scale Jewish movements to free countries, which peaked in 1979 when over 51,000 persons left the Soviet Union. Tragically, in spite of this most recent action, emigration from the Soviet Union has been unilaterally reduced to a trickle. In 1985, only 1,140 exit visas were issued. Thus far this limitation on numbers of exit permits continues with only 72 issued in April.

If the tone of these remarks seems to be pessimistic, I am nevertheless heartened by recent developments—in addition to these recent actions in family reunifications, the fact of the recent release of Anatoly Shcharansky raises hope for others in his plight, the partial ties and air link between Poland and Israel, undoubtedly with Moscow approval, and the various visits to the Soviet Union by the World Jewish Congress president in the spirit of negotiations and understanding for future emigration possibilities.

Mr. Speaker, concerned individuals, communities, and nations must redouble their efforts to exert all influence possible on the Soviet Union to abide by the spirit of the Helsinki Accords, accelerate pending and future family reunification and above all renounce the oppression of their Jewish citizens and allow them to emigrate freely according to their individual desires.

We, on the other hand, must continue the work to make certain that there will always be a haven in the United States for Soviet Jews. I shall join any and all efforts to work toward the release of the 400,000 Jewish hostages now being held.

We must improve United States-Soviet relations where we can direct our mutual thinking to areas beyond arms control and trade, and devote greater thought to human rights and the betterment of our fellow man.

Mr. JEFFORDS. Mr. Speaker I would like to compliment my colleague, Representative BOB MRAZEK, for his organization of today's special order on divided families in the U.S.S.R. As it turns out, this is a very timely occasion for discussion of this issue.

As you are all aware, the Soviet Union has, in the past 2 weeks, pledged emigration permission for 244 Soviet citizens, thereby resolving 65 divided family cases. All of these cases are on the State Department's representational list of divided families, one of four lists which are presented by United States diplomats to Soviet officials at every relevant opportunity. Assuming that all of these individuals leave the Soviet Union in the near future, this representational list will be reduced by more than half, leaving only 61 unresolved cases.

I am very pleased that the Gorbachev regime has decided to honor this aspect of its Helsinki Final Act commitment to allow free emigration for the purpose of family reunification. This gesture of good faith may help rejuvenate the process of improving United States-Soviet relations that was begun by the November summit and will hopefully be advanced by another meeting in the near future.

In our excitement over the expected release of these 244 persons, let us not forget the 61 families that remain on the State Department's list. These people have been waiting for many years just to see their loved ones, and at a minimum, are entitled to one of the most basic of human rights: The right of family reunification. I strongly urge the Soviet Government to take note of the international reaction to its decision to allow reunification. Granting of this permission to the remaining families would be a major step toward a smoother superpower relationship.

I would also like to mention a constituent of mine, Valery Chalidze, who has been trying for years to pressure the Soviet Government into granting an exit permission for his sister, Francesca Chalidze. Ms. Chalidze's repeated petitions for emigration have been denied and she has been forced to give up her position as a respected scientist. We all must pledge ourselves to work on behalf of these individuals that continue to suffer from this manifestation of Soviet intransigence.

In closing, let me make clear that the latest Soviet efforts to reunite families has been noted and well received by this Congress and much of the world. I hope that the Soviet Union will soon see fit to allow the remaining families to reunite.

Mr. GILMAN. Mr. Speaker, I want to thank my colleagues, the gentleman from New York [Mr. MRAZEK], the gentleman from Illinois [Mr. PORTER], the gentleman from New York [Mr. KEMP], and the gentleman from California [Mr. LANTOS] for providing this opportunity today to focus on the tragedy of the thousands of families separated from their loved ones in the Soviet Union, as well as the plight of the hundreds of thousands persecuted because they refuse to relinquish their religious and cultural rights.

Today's Prayer Vigil on the east front of the Capitol marked the fourth year in which we in Congress have gathered in this way to solemnly mark our dedication to help those denied their basic human rights. Hearing the words of Riva Feldman, whose twin sons are cruelly kept beyond her reach, and Anatoly Michelson, who has not seen his family in 30 years nor met his young grandson, brings the pain of such injustice closer, and strengthens our resolve to oppose it.

Thousands are denied their basic rights despite General Secretary Gorbachev's summit meeting sensibility "on the importance of resolving humanitarian cases in the spirit of cooperation." We are pleased by the Soviet Union's recent decision to allow 200 Soviet citizens to be reunited with their families in the West, and we hope that this signals the beginning of a new human rights policy in Moscow. Yet, the omission of Soviet Jews from the list of those receiving visas to emigrate indicates this may be merely a gesture. The Soviet Union has made only a token response to its obligations as a signatory of the Helsinki Accords.

Today I have been fasting on behalf of Soviet Prisoner of Conscience Iosef Berenshtein, an innocent man presently languishing in a Soviet prison. Iosef was arrested in 1984 on his way to purchase a monument for his mother's grave. The charge against him was resisting arrest, for which he was sentenced to 4 years imprisonment. Placed in a cell with hardened criminals, Iosef was attacked with broken glass, and now is almost blind. He remains incarcerated, and lacking proper treatment he faces the distinct probability of permanent blindness. Iosef Berenshtein must not be forgotten. We in Congress must assure that human rights remains a priority on our bilateral agenda with the Soviet Union.

Today we pray that these martyred men and women in the Soviet Union, whose commitment to family and principal is so dear to them, will soon be free to practice their beliefs, and that the spouses, parents and children will soon be reunited with them. Our prayers, fast and vigil today has provided us an opportunity to rededicate ourselves to the cause of individual human rights, and to the reunification of families around the world.

Mr. LEVIN of Michigan. Mr. Speaker, as we gather today to speak of the Divided Spouses, I wish to mention the case of Keith and Svethlana Braun.

Keith Braun is a young attorney from Southfield Michigan. His wife, Svethlana (Iyinichna Shteingardt) Braun, is an engineering student in Moscow.

Like so many other young people throughout the world, they met, fell in love and were married on August 9, 1984. However, unlike other young people—they have not been allowed to live happily ever after.

In fact, they have, for the most part, lived apart for the almost 2 years they have been married. Svethlana has applied three times to emigrate so that she may join her husband in Michigan. Her first application, shortly after their marriage, was denied on November 23, 1984 as "not in the Soviet interest." Her second application, May 15, 1985, was denied 2 months later, no explanation was given. Her third application was made on January 24, 1986, and she has yet to receive a response. At this very moment, Keith, after first being denied a visitor's visa, is now visiting Svethlana in Moscow.

Their story is only one of many families who must endure life as pawns of the Soviet system. The numbers of divided families (U.S./.U.S.S.R.) when compared to the huge populations in our two countries do not seem like an overwhelming problem. On a personal, more intimate level, it is a monumental problem for the families involved.

Let us vow to pursue the fight for continuation of the progress made at Geneva when 11 couples were allowed to reunite and more recently when it was announced that another set of families would be reunited. Further progress will not be made if we do not continue to raise our voices in protest. I would like to be able to tell Keith Braun, on his return from the Soviet Union, that very soon he and Svethlana will be able to live "happily ever after."

Mr. YOUNG of Missouri. Mr. Speaker, Soviet Jews comprise the third largest surviving Jewish community in the world. Soviet Jews have been struggling to achieve basic human rights, including the right to maintain their own religion and culture. The right to leave any country that denies one their heritage is an internationally recognized human right, yet in the Soviet Union permission to emigrate is given arbitrarily.

I believe that it is important that in the face of this wave of anti-Semitism, Americans must reaffirm their commitment to human rights. The United States Congress has been a lead-

ing supporter of Soviet Jews in their attempts to study and teach their faith.

Today, we are holding a Congressional Prayer Vigil on behalf of Soviet Jews, but we must be sure that the vigil continues each and every day until the human rights of all Soviet Jews have been restored. I am pleased that the 1986 Congressional Call to Conscience for Soviet Jews has been such a success, and will continue to protest the inhumane treatment that Jews in the Soviet Union are experiencing.

As a Member of Congress and concerned citizen, I have "adopted" a Soviet Jewish family from the Ukraine to help them fulfill their dream of emigrating to Israel.

Samuel and Manya Klinger have been trying unsuccessfully, for a number of years, to emigrate to Israel. Samuel Klinger is an agronomist from Dnepropetrovsk in the Ukraine. He and his wife, a nurse by profession, have been repeatedly denied exit visas since 1970. The only reason given by Soviet authorities has been a lack of consent from Manya's parents, who have not seen their daughter in many years. Manya, a mother herself, recently celebrated her 50th birthday.

The Klinger situation is quite pressing in that they are the only family in Dnepropetrovsk awaiting exit visas. Defamatory letters have been printed in the local newspaper about the family—prompting Samuel to immediately send letters of protest to the editor. The result has been the printing of more anti-Semitic articles.

We have asked the Soviet Government to grant this family permission to emigrate, but have received no response. There can be no doubt that by not allowing the Klingers to leave the Soviet Union, the Soviet Government is in clear violation of the Helsinki Final Act, the Universal Declaration of Human Rights, as well as their Soviet Constitution.

Surely the emigration of the Klinger family would pose no threat to the security of the Soviet Union, and instead would be a humanitarian gesture. Yet permission to leave is continually denied.

As the leader in the free world, the United States must do all that is possible to protect the human rights of all people. And I urge my colleagues to continue to protest the blatant violations of human rights occurring each day in the Soviet Union.

Mr. SCHEUER. Mr. Speaker, I was pleased to join with so many of my colleagues today in participating in the Fourth Annual Congressional Fast and Prayer Vigil for Soviet Jewry. While I find quite heartening the active support and concern for the plight of the 3 million oppressed Jews within the Soviet Union among Members of Congress both today and on numerous previous occasions, I continue to be saddened gravely by the ongoing necessity for these special orders.

The treatment of Soviet Jews remains clearly one of the most shameful wholesale violations of human rights in the world today. Despite the Soviet Union's pledge as a signatory of the Helsinki accords "to recognize and respect the freedom of an individual to profess and practice, alone or in a community, religion or belief in accordance with the dictates of their conscience," the nation with the third largest Jewish population prohibits not only the publication of all Hebrew books, but also the study of the Hebrew language and Jewish historical and cultural traditions. Further, scores of Jewish dissidents are arrested yearly and convicted either for their attempts to observe their religious beliefs or the usual trumped-up charges of treason or espionage that are often used as excuses to isolate, banish and imprison Soviet Jews.

As disturbing as these abuses of basic human rights are to the rest of the civilized world, the inability of Soviet Jews to escape this inexcusable treatment is perhaps even more outrageous. Only 1,139 Jews were allowed to emigrate in 1985 although some 400,000 more had invitations, or visovs, from Israel to enter the Jewish homeland. This represents a decrease of 98 percent from the all-time high in 1979. For the first three months of 1986, only 216 Jews emigrated. At this rate, Soviet Jewish emigration will fail to equal even last year's appallingly low level.

The focus of this year's Congressional Fast and Prayer Vigil is the tragedy of the thousands of separated families of all religions whose relatives have been unable to leave the Soviet Union and join their families in the West. Earlier this year, members of this body rose in celebration over the release of Anatoly Shcharansky from the Soviet Union after 9 years in Soviet prisons and work camps. Twelve years earlier, when Shcharansky's wife, Avital, emigrated from the Soviet Union, Anatoly told her, "I will see you soon in Jerusalem." Shcharansky's celebrated passage to Israel must be tempered by the realization that hundreds of thousands of his brothers and sisters continue to be punished daily for the crime of wanting to live freely as Jews, and await the day when they can join him in freedom.

Moreover, today we reflect upon the agony encountered by the countless individuals who faced their loved ones—their husbands or wives, children or parents—and were also forced to say painfully, "I will see you soon in Jerusalem," but knew in their hearts that their reunion would remain in doubt as long as the Soviet Union maintains its inhumane policies toward Soviet Jewry.

For example, imagine for a moment the thoughts of Vadim Kotlyara, who came with his parents to the United States 9 years ago, as he spoke by phone recently with his grandparents Meyer and Lyuba in their one-bedroom flat in Kiev, only 60 miles from the scene of the Chernobyl nuclear accident. Imagine his concern as his grandparents told him that he shouldn't worry about them because the authorities assured them that there was no radiation in the area; were they as optimistic as they sounded, or were they holding something back either to avoid alarming him or out of fear that the conversation was being monitored by Soviet authorities. As the phone call came to a difficult and, as always, painful close, his grandmother who used to walk him to school every day said, "It's spring here. I wish you were here with us."

The question is, why can't Meyer and Lyuba be here with their grandson? The very fact that the day finally arrived when the Shcharanskys were reunited provides hope for all separated families. Although we rejoice at the release of Anatoly Shcharansky, his emigration must not be just an isolated incident.

Mr. Speaker, as Members of Congress, we have an obligation to call upon the Soviet Union to abide by its treaty commitments. If our two nations hope to engage in meaningful negotiations, an atmosphere of trust must be established, sustained and nurtured between the United States and the U.S.S.R. In this spirit, we must send a clear signal to the Soviets that we shall continue to be deeply concerned with the plight of Soviet Jews. We must remind the Kremlin that, in the words of Shcharansky himself, his emigration must be a "beginning of a long process of an improved situation for emigration and human rights, a policy which will give the Soviet Union new opportunities in other fields."

Mr. MORRISON of Connecticut. Mr. Speaker, here in the United States we have a tradition called Father's Day, a day on which sons and daughters honor their fathers and families spend a special day together. Next week, 11-year-old Henry Brondshiptz of West Hartford, CT, will not be able to share Father's Day with his dad because the Soviet Union will not grant his father, Grigory Brondshiptz of Moscow, permission to join his family in the United States.

The Brondshiptz family first applied to emigrate in 1974 and were denied permission to leave with no reason given. When Marisha and Grigory Brondshiptz divorced in 1979, mother and son were permitted to emigrate that year. Grigory Brondshiptz also applied to emigrate but was denied permission—again with no reason—and was fired from his job as an electronics engineer in the health field. He now works as a laborer.

His family has not heard from him since the Moscow Olympics when his phone was disconnected. He apparently does not receive mail either, though his son, Henry, plans to send his father a birthday card at the end of June.

I am participating in today's Fourth Annual Congressional Fast and Prayer Vigil for Soviet Jewry on behalf of Grigory Brondshiptz in hopes that he might someday be able to share his birthday and an American Father's Day with his son, Henry.

At the human contacts meeting in Bern, Switzerland, the Soviet Union announced that it will allow 117 Soviet citizens to emigrate and join their families in the West. We are grateful for this gesture, however, we must not forget there are thousands more who yearn to be with their loved ones. We must continue to pressure the Soviets to resolve these cases with a special concern for "refuseniks"—Soviet Jews persecuted for trying to practice their religion yet denied permission to emigrate to countries where they can practice their religion freely.

This Father's Day, there will be many families here in the United States and throughout the world that will be incomplete—missing family members because of the Soviet Union's insensitivity. By fasting today, we are experiencing the pain of absence that thousands of separated families feel every day. We must maintain our vigil.

Mr. GLICKMAN. Mr. Speaker, I rise today to participate in a special order on divided families in the U.S.S.R.

Although the Soviet Union recently announced its intention to allow more than 200 Soviet citizens to reunite with families or spouses in the United States—this is not enough. The Soviet Union still refuses to allow refuseniks, those who have applied and been refused an exist visa, to leave the Soviet Union—no matter what their circumstance.

I urge my colleagues to reflect on the many persons being denied the freedoms and comforts that we often take for granted. In particular, I think of Sonia Melnikova-Eichenvald, who is married to Michael N. Lavigne, an American citizen.

Sonia has applied to leave the Soviet Union 14 times. According to Soviet law, Sonia should be eligible for an exist visa: she has no criminal record, has not served in the armed services, and has had no access to classified information. Yet Sonia Melnikova-Eichenvald has been denied exit from the Soviet Union 13 times. Her husband's visa expires this August, and the couple may now face a long and unjustified separation. Sonia and Michael's case is just one of a number of binational marriage cases waiting for decisions from the Soviet Government.

The Soviet Union is in direct violation of its obligations under the Helsinki Final Act and the Universal Declaration on Human Rights, as it continues to reject the petitions for these families and subject them to harassment and separation from family and friends.

There were hopes that under new Soviet leadership many of the human rights and emigration policies would be changed. Unfortunately, these important changes have not been seen. I call upon the Soviet Union, in accordance with the Helsinki Final Act, to grant Sonia Melnikova-Eichenvald, the right to emigrate and join her husband in this country, thus preserving and building a peaceful and cooperative environment for both our countries to continue negotiations for a peaceful world.

Mr. SMITH of Florida. Mr. Speaker, today I joined many of my colleagues on the steps of the Capitol to stand in solidarity and draw attention to the thousands upon thousands of unresolved cases of Soviet Jews waiting to be reunited with their families and loved ones. In addition, we are fasting on behalf of the plight of divided spouses and families of all religions in the Soviet Union and to protest the human rights violations committed against these people.

I fasted for three special cases today, including a separated family, divided spouse, and my adopted Soviet Jewish refusenik. These cases represent the spectrum of all peoples who are denied their rights and freedoms in the Soviet Union and pay a very dear price for their love of religion, their love of their heritage, the love among family members, and the love between a man and wife.

Mikhail (Misha) Shipov is an electrician by trade, but his true calling is as a Jewish activist. His brother Alexander (Sasha) now resides in Israel. Shipov is particularly vulnerable to arrest now because of his Jewish activities in Moscow. The KGB has warned him that if he does not cease his Jewish activism, their harassment of him will turn to their imprisonment of him or their placing him in a psychiatric hospital for treatment.

I also fasted for a young separated couple, an American Keith Braun from Detroit, and his Soviet wife Svetlana Shteingardt of Moscow. Keith and Svetlana were married on August 9, 1984. Since their marriage, Svetlana has applied for an emigration visa on three separate occasions and has been denied permission every time.

And, finally, I fasted for my adopted refusenik, Dr. Yuri Tarnopolsky who recently completed his 3-year prison term for slandering the Soviet State. Tarnopolsky is in poor health, and 10 years now have passed since his original visa application was filed. Unable to work as an organic chemist, Tarnopolsky is limited to mostly menial jobs.

I am proud that I fasted today for these people who cannot stand up and speak out for themselves. These men and separated families committed no real crimes, except for crimes of passion. Theirs is a commitment to live with their respective families in peace.

As representatives of the American people and freedom-loving people everywhere, we must safeguard the values on which this country is predicated. The millions of Soviet separated families, divided spouses, and refuseniks may seem remote in terms of distance, but they are closer to us than mere mileage would indicate. Their struggle for cultural and religious survival is the same struggle many of our own forefathers overcame when they came to the shores of America.

Mr. YATES. Mr. Speaker, every society and culture in the world from the most primitive to the most complex and sophisticated, recognizes that families belong together and that any event that causes the separation of loved ones is a tragedy.

The Soviet Union is no exception to this universal concept. The leaders of that country know as well as anyone on Earth that they are inflicting pain and suffering of the most elemental type when they create artificial impediments to the unification of families. There is nothing abstract or theoretical about divided families and the only mystery is why the Soviets persist in their cruel and self-defeating policies.

With every passing year, the unfortunate and depressing record of the U.S.S.R. receives wider attention and nothing is accomplishd by keeping wives, husbands, children, brothers, sisters, fathers, and mothers separated. We are not going to be silent or restrained until the Soviets change their policies, and it is in their interest to do that and do it now.

I am delighted to be a part of this effort today. The world and international public opinion are with us and I am confident that we will prevail.

Mr. DOWNEY of New York. Mr. Speaker, I am pleased to join my colleagues in this special order marking the Congressional Prayer and Fast Vigil for Soviet Jewry. I am further pleased to note that the hopes I spoke of at last year's vigil have begun to materialize with the release of Anatoly Shcharansky. But it is imperative that we remember that this is only a beginning. Hundreds of thousands of Soviet Jews are still unable to emigrate freely and follow the heritage of their forefathers. I remind my colleagues that the number of Soviet Jews allowed to emigrate has been dismally low for years. Contained in Russia, they are subjected to constant harassment and unjustified arrests.

I would like to acquaint you with the plight of one of these unfortunate individuals. He is a man deprived of family, vocation, religion, and purpose. Like his fellow refuseniks, this man—Zinovi Ostrovsky—has been refused the right to live his life as an observant member of the Jewish faith. In 1976, when his sister applied for an emigration visa to Israel, he was barred from an engineering career and demoted to a kitchen helper, where he remains today. The departure of his sister left him with no blood relatives in Russia, and no desire to stay. Since 1979 he has pleaded to be reunited with his elderly father before he dies, to resume his previous occupation, and to live in freedom. Year after year, Soviet authorities have refused his applications for a visa with the cold, callous reason that "his emigration is not in the interest of the state."

Just what is in the interest of the Soviet state? The suppression of the individual will? The reduction of the human life to a condition of perpetual suffering? How can we enjoy our lives knowing that Zinovi and countless others live each day with loneliness, thwarted aims, and unsatisfied desires? How can we remain inactive knowing that we, from our free domain, may be able to act in some way on their behalf? We cannot and we should not. We must persist in our efforts to improve the lives of our unfortunate friends in the Soviet Union.

Mr. BEILENSON. Mr. Speaker, thank you for allowing me to participate in this special order which is a part of the Fourth Annual Congressional Fast and Prayer Vigil for Soviet Jewry. I would like to take this opportunity to draw my colleagues' attention to the plight of Zinovy and Nelly Gorbis and their son, Alexander, who are relatives of residents of the congressional district I represent.

The Gorbis family's situation is particularly unfortunate as they were orginally granted exit permission in 1982, only to have it revoked before they were able to leave Lithuania. Soviet officials maintain that permission was revoked due to Mr. Gorbis' exposure to state secrets. However, Mr. Gorbis has left his position in the research and development sector of the Odessa Technological Institute of Refrigeration, and since 1980 he has been working for the design bureau of the Retail Trade Council of Vilnius where he performs economic analysis and measurements of noise levels in elevator shafts. In addition, the family's situation is made even more urgent because Mrs. Gorbis is suffering from a crippling bone disease for which successful treatment is now being offered at Tel Aviv University.

By granting the Gorbis family permission to emigrate, the Soviet Union would not only indicate to the world its respect for the principles outlined in the Helsinki accords, but would also affirm its desire to improve the strained relations between the United States and the U.S.S.R.

Mr. STUDDS. Mr. Speaker, it is both a privilege and a pleasure to participate today in the Congressional Vigil for Soviet Jewry.

It is an inescapable fact of modern life that the United States and the Soviet Union must live together peacefully on this planet, or there will be no planet. This necessity places certain limits on what our country can do or seek to do around the world. But it provides no excuse for silence about the continuing and severe violations of basic human rights by the Soviet Government.

One of the most cherished of human rights is the ability of an individual to decide where he or she should live, the right to travel freely within one's own country, or to choose emigration if desired. This right is not new, and it is not peculiar to Western democracies. In 1975, the Soviet Union signed the Helsinki agreement which explicity acknowledged the right of free movement of peoples. Tragically, the Soviet Government has repeatedly ignored this international agreement by denying hundreds of thousands of Soviet Jews the exit visa needed to emigrate to the West. Those brave enough to initiate this long, frustrating process do so knowing they face the risk of harassment, loss of employment, or a series of intimidating retaliatory acts by the Soviet Government. As part of this vigil today, I would like to address the plight of one such family.

I bring to your attention once again this year the Maryasin family of Riga. I wish there had been some improvement in the Maryasins' situation since I spoke of them last year. But there is no good news to report. Unfortunately, for each of the 117 families the Soviets have recently allowed to leave and thus be reunited in Israel or the United States, many more remain behind, their right to free movement denied.

Alexander Maryasin was once again the manager of a large factory; he received several State awards including the title of "Honorable Citizen." However, he was dismissed from his job in 1972 when his daughter Rita applied to emigrate to Israel. After 2 years without reinstatement to his job, Alexander, his wife Leah, and their daughter Faina also applied for exit visas in the hope that they could join Rita, who was by then in Israel. Since that time, because of his active participation in the refusenik community of Riga, Alexander has been subject to much harassment and numerous searches, during which his books and papers have been confiscated.

Leah Maryasin, Alexander's wife, has grown increasingly ill in the last several years. Her deteriorating condition makes all the more urgent the family's wish to be reunited with their daughter and grandsons in Israel.

For all these reasons, I ask this body to join me and my constituents once again in calling upon the Soviet Government to grant exit visas to the Maryasin family, and for the cessation of all intimidation tactics against those who seek to leave the Soviet Union.

Mrs. SCHROEDER. Mr. Speaker, today I join with Mr. MRAZEK and my colleagues in remembering the separated families of the Soviet Union, who have not been permitted to reunite with their family members outside of the U.S.S.R.

For several years I have been trying to help Ida Nudel obtain an exit visa so she may join her sister, Ilana Fridman, in Israel. Ms. Nudel has been trying to leave the U.S.S.R. for 15 years, since 1971. She has assisted other refusniks and their families. For her efforts, she has been denied an exit visa repeatedly, treated violently, arrested, tried, and sentenced to exile in Siberia, where she lived for 4 years. While there, she was beaten and then housed in a barrack lacking electricity, water, and heat at a time when temperatures dropped to 40 degrees below zero.

When Ms. Nudel returned to Moscow, she was not allowed to live in her home. It is difficult for political prisoners to find a place to stay, so it took her several months to find a place in Bendery, Moldavia.

I am very concerned about the conditions under which Ms. Nudel is living now. Recent reports indicate that the way she walks and looks show that her health is very poor. She has been harassed in her efforts to obtain medical care. Her sister had told us that people are afraid to be her friend and that she is very lonely.

I hope that the Soviet Union will take the humanitarian route and give Ms. Nudel an exit visa sooon so that she may be reunited with her family. I will continue to do whatever I can to help Ms. Nudel and I thank my colleagues who have also worked over the years for her release.

Mr. JONES of Oklahoma. Mr. Speaker, I thank my colleague, ROBERT MRAZEK from New York, for requesting this special order to highlight the problem of divided families in the Soviet Union and allowing me to share my thoughts as well as those of my constituents in Oklahoma.

The recent Soviet action allowing 200 Soviet citizens to emigrate and resolve 36 cases of divided families is a truly significant step. But, it must be the first step among many to resolve all human rights cases.

The Fourth Annual Congressional Fast and Prayer Vigil for Soviet Jewry will focus on separated families and help us redouble our efforts to resolve these cases.

This recent reunification of Soviet-American families will mark the largest single resolution of human rights cases since the United States began pushing for the unity of divided families three decades ago.

Improved communications between the Soviet Union and the United States can only encourage us in our efforts to reunite parents and children, sisters and brothers, and husbands and wives.

The United States has always placed an emphasis on the family and the importance of that institution. With the promise of the future United States-Soviet summit we must seize the opportunity to remind our neighbors in the East that to knowingly keep families apart is a violation of the most basic of human rights and is inexcusable.

Perhaps, as some have said, this mass allowance of emigration is an attempt by Mikhail Gorbachev to publicize his interest in improving Soviet-American relations. We need to applaud his efforts. However, we need to remind him that the human rights of Soviet Jews are being violated daily and any improvement in Soviet American relations will occur only after they are addressed.

My constituents and I welcome our new emigrants and send our sincere hopes that this is the first step in resolving any cases of divided families and oppressed Soviet Jews.

Mr. COUGHLIN. Mr. Speaker, I rise today to call attention once again to the continuing plight of thousands of Soviet citizens who wish to join their loved ones in the West but are prevented from doing so by the Soviet authorities.

In April of this year I, like many colleagues, sent a list of cases of special importance to me to the U.S. delegation to the Berne Human Contacts meeting. Some of these cases directly involved my constituents. Others were brought to my attention by constituents interested in the unfortunate and desperate situations of friends and, in some cases, total strangers whose plights were especially compelling. Still others were those that I came to be familiar with as a result of my visit to the Soviet Union in October 1985.

The cases I submitted—from both the U.S.S.R. and Soviet bloc countries—are different in their details. There are cases in which children are separated from their parents, cases where wives and husbands are divided, cases of brothers and sisters being separated for many years.

All share one feature, however, which is that all have been artificially created by Soviet bloc governments unwilling to live up their commitments under the Helsinki accords, which provide for the humanitarian resolution of these cases.

Earlier today I participated in the Fourth Annual Congressional Fast and Prayer Vigil for Soviet Jewry, which this year focused on the problem of divided families of all religions and nationalities. I participated on behalf of members of the Vladimir Slepak family, whom I met during my trip last year and who have been seeking to rejoin their loved ones outside the U.S.S.R for some 16 years. One of Vladimir's sons, Aleksandr, lives in the Philadelphia region.

As in so many other cases, the Soviets refuse to allow the Slepaks to leave. There is no good reason for the Soviets' noncooperation. Rather, the Slepaks, like many other Soviet citizens, are considered by the Soviet regime to be nothing more than pawns in a much larger game of East-West relations.

In the last few days the Soviets have informed us, following our Bern discussions, that they plan to resolve some 65 divided family cases that have been the subject of special concern in the United States. This is a positive development and one which merits our appreciation. But it must be made clear that this still represents only a trickle in what should be a vast flow.

The Soviets have long considered themselves a superpower on the basis of their military might, their scientific and economic accomplishments, and their role on the world scene. But they should realize that a superpower also is obliged to respect its commitments under international agreements and respect the rights and wishes of its citizenry. Through such actions it also earns heightened respect from others in the world community.

The Soviets and their allies should open the floodgates and let the Slepaks and countless others leave in order that they might rejoin their loved ones outside the Soviet bloc.

Mr. DWYER of New Jersey. Mr. Speaker, I rise today for the purpose of bringing the plight of divided families in the Soviet Union to the attention of the Congress. I wish to thank my colleagues, Congressmen MRAZEK, LANTOS, PORTER, and KEMP, who have arranged this special order to coincide with the Congressional Fast and Prayer Vigil for Soviet Jewry. By participating in these events, we make it clear that the treatment of Jews inside the Soviet Union does not go unnoticed by the United States.

With the release of Anatoly Shcharansky, new hope has been given to families that are separated by the restrictive immigration policies of the Soviet Union. The Soviet Union recently informed the United States that it intends to resolve 36 separated family cases involving 117 individuals. However, there are many more cases than this. We must continue to focus on the individual cases in order to keep the flame of hope alive for all of the refusenik families.

The case of Marat and Claudia Osnis, which I have adopted, fits the typical scenario of a divided refusenik family. The Osnis family first applied for an exit visa in 1972 together with Marat's parents and his grandmother. Marat's parents and grandmother were allowed to emigrate to Israel, but Marat was refused on the grounds that he had been exposed to classified materials at his job as an engineer. However, he was told that he would be granted an exit visa within a short time.

Marat was not allowed to continue in his profession after applying for a visa and had to support his family by tutoring and odd manual jobs. His wife, Claudia, was expelled from the university where she was a student of economics. In 1979, Marat was told that he would receive his exit visa in 1981, 10 years after leaving his former job as an engineer, however he was refused again in October 1981 without explanation. The oppression and limits on personal freedom which the Osnis family, along with other Soviet refuseniks, must endure is unconscionable in today's world.

It is my fervent wish that the new hopes lighted in the hearts of Soviet refuseniks and divided families by the release of Anatoly Shcharansky and the recent Soviet announcement will not be extinguished. By participating in the Congressional Fast and Prayer Vigil for Soviet Jewry today, we continue to spotlight the individual cases which so perfectly illuminate the problems faced by these families. We must not allow these problems to slip from public view.

Mr. SCHUMER. Mr. Speaker, I thank the gentleman from New York [Mr. MRAZEK] for holding this special order. His efforts on behalf of Soviet Jews are well documented. I would like to bring to the attention of my colleagues, the growing problem of divided families in the U.S.S.R. There has been virtually no emigration from the U.S.S.R. in the Soviet era and the attitude of the Soviet authorities toward this phenomenon has been essentially negative.

On June 1, at a conference on East-West contacts, the Soviet Union informed the United States that it would resolve 36 separated family cases involving 117 individuals. Yet, despite these lengthy negotiations between East and West authorities, thousands of cases concerning divided families remain unresolved.

One of the unresolved cases I have become particularly interested in concerns Vladamir and Efim Feldman. These two men, twin brothers have, since 1973 been denied permission to join their mother in Queens, NY. The Feldman brothers, both trained professors, have certain beliefs which the Soviet authorities believe are threatening enough to keep them from joining their mother in the United States. Moreover, Vladamir and Efim have lost their right to teach and have been reduced to working as elevator operators.

I am speaking on behalf of these two men and all the other individuals, who are being denied their rights under the Helsinki Final Act and the Universal Declaration of Human Rights. We must exert continued pressure in order to reunite the thousands of individuals who are unable to join their parents, sisters, brothers, wives, and husbands. Without greater freedom of human contacts including the reunification of families, there can be no advance toward achieving the aims of the Helsinki act, and the chances of improved United States-Soviet relations will be severely damaged.

It is vital that freedom-loving persons around the world not forget about those who are not fortunate enough to be with their loved ones. There are thousands of such people who wait helplessly yet hopefully behind the iron curtain. It is for these people that we must never stop working, and never stop praying.

Mr. ERDREICH. Mr. Speaker, in recognition of the inextricable link between international peace and human dignity, I join my colleagues who today participate in the Fourth Annual Congressional Fast and Prayer Vigil for Soviet Jewry. It was just a month ago that we in the U.S. Congress took a few moments from our legislative business to honor Anatoly Shcharansky, a modern-day hero who risked everything on behalf of human rights and religious freedom. But his eventual success in rejoining his family is, unfortunately, an exceptional case. There are thousands like him who, though separation, continue to be denied the right to be with their loved ones and practice their religious beliefs.

Our presence today serves not only to emphasize the plight of those thousands, but also, to renew our efforts to see that the over 300,000 Soviet Jews who desire to emigrate realize their dream.

The announcement by the Soviet Union last month that it will resolve 36 cases of divided families by allowing more than 200 Soviet citizens to emigrate gives us reason to be encouraged, but it should in no way diminish our struggle to help those who wish to practice their freedom, emigrate and be reunited with their families.

I have sponsored three families who are among those who still wait: the Boris Ghinis family, the Mikhail Kazanovich family, and the Antanas Vausa family. These three families, two of whom are of Jewish descent and the other of Lithuanian descent, have been denied emigration for years and have all had to endure incredible hardships because of their quest to practice their religion and be reunited with their families.

The release of the more than 200 citizens who wish to emigrate is a step forward by the Soviets in resolving humanitarian cases in a spirit of cooperation. It is my hope that by continuing to build on the progress made at the Geneva summit last year, we can eliminate the need for a Fifth Annual Congressional Fast and Prayer Vigil for Soviet Jewry, and celebrate instead the fulfillment of the dream of freedom for the thousands who continue to struggle and live under oppressive states.

Mr. SAXTON. Mr. Speaker, I was pleased to participate in today's Congressional Fast and Prayer Vigil for Soviet Jewry. Once again, we have the unfortunate duty of reminding the Soviet Union that the United States will not stand idly by while they continue to deny the basic human right of emigration.

Also today we highlight the particular problem of divided families. The Madrid followup meeting on the Conference on Security and Co-operation in Europe [CSSE] committed member nations to "favorably deal in a positive and humanitarian spirit with applications of persons who wish to be reunited with members of their family . . ." Once again, we have a document of which the Soviets are both a signatory, and a violator.

We are all pleased that scores of individuals will be allowed to emigrate from the Soviet Union and join family members elsewhere. This, however, by no means demonstrates that the Soviets abide by the CSSE document.

An example of Soviet noncompliance is the gentleman on whose behalf I participated in today's vigil—Gennady Feldman. Gennady has been applying to emirgrate since 1976. He hopes to join his sister and elderly parents who now live in Israel. His parents are ill, and want only to live to see their son.

Gennady, because he applied to emigrate, now lives the tragic life of a refusenik. He cannot find work, he has no place to live and depends on friends for shelter, and he has been beaten by auxiliary police. The Soviet Government punishes Gennady for a desire to be reunited with his family by assuring that he is an outcast in Soviet society and by denying him the right to leave.

Mr. Speaker, tomorrow I will be mailing a letter to Mikhail Gorbachev urging him to intervene in the case of Gennady Feldman. Forty-three Members of this body have cosigned the letter. It is our hope that continued pressure such as this will cause the Soviet Government to not only review specific cases, but also to alter its emigration policy in general.

Mr. CONTE. Mr. Speaker, today from noon to 1 o'clock on the east steps of the Capitol the Fourth Annual Congressional Fast and Prayer Vigil for Soviet Jewry was held. This year the focus was on divided families in the Soviet Union.

Recent history has not been kind to the divided families in the Soviet Union, especially those that are Jewish. Harassment of the refusenik community is growing. Imprisonment on false charges occurs often. Yet, despite the overwhelming evidence, the Soviets continue to deny that a problem exists.

The emigration of Soviet Jews has sharply dropped from a high of 51,320 in 1979 to only 1,140 in 1985. Thousands of cases still remain unresolved with many families being kept away from their loved ones. Vladimir and Efim Feldman, whose mother lives in Queens, NY, have been applying to emigrate since 1973. The longest waiting period for any current refusenik is held by Beniamin Bogomolny, who first applied to emigrate in 1966. He was denied permission on the grounds that he was a security threat as he had served in the army. And Alexander Paritsky, on whose behalf I have worked for many years, applied to emigrate in 1976. He was finally released from an internal prison cell in a labor camp, but his health is in question as he has suffered two heart attacks, one of them very recently.

For many years now I have worked in Congress to help those who desire to emigrate do so. During my visit last year to the Soviet Union, I met with General Secretary Mikhail Gorbachev and brought up the plight of the Soviet Jews. He flatly denied there was one. And he did so again at the Geneva summit this past November. I also met with a number of refuseniks. They sent a simple and clear message to me—a thank you to the West for all of its help, and a plea to continue the fight for freedom.

Those of us in the United States committed to the reunification of these families will continue to work for the freedom of those who wish to emigrate from the Soviet Union. The recent announcement that Moscow would release 117 people of 36 different families demonstrates that, with pressure from the West, progress can be made toward allowing these people to emigrate. This announcement, along with Natan Shcharansky's release and the West's continued commitment to free these individuals, provides much hope that progress will be made toward freeing those temporarily left behind.

Mrs. ROUKEMA. Mr. Speaker, I would like to commend my colleague Mr. MRAZEK for calling this special order today on the plight of divided families in the Soviet Union.

This special order is part of the Fourth Annual Congressional Fast and Prayer Vigil for Soviet Jewry. Earlier today, Members of Congress, human rights leaders, and members of divided families took part in a prayer vigil on the east steps of the Capitol.

It is imperative that we in the United States and other free nations of the world continue to draw attention to the plight of the thousands of separated families of all religions whose relatives have been unable to leave the Soviet Union to join their loved ones in the West.

Our prayers and public display of solidarity will remind those who are separated from their loved ones that they are not alone in their struggle to protect their human rights.

I welcome the recent Soviet decision to allow more than 200 Soviet citizens to reunite with families or spouses in the United States. This is a step in the right direction. However, it is important to note that none of the Soviets to be released is a Jew wishing to emigrate to Israel. Overall, there has been a disturbing decline in exit visas in a short period of 5 years. There are thousands more families worldwide who continue to be separated as a result of the Soviet refusal to respect internationally accepted human rights standards and it is our responsibility to continue to bring this issue into the focus of superpower relations.

Today, I would like to draw particular attention to the plight of one divided family, the Aleksandr Paritsky family. The Paritskys live in Kharkov, U.S.S.R., and have been waiting since 1977 to join their family members in Israel.

Aleksandr was released from the Stantsi Vydrino labor camp on August 31, 1984, after serving 3 years for allegedly "defaming the Soviet state and social system." In fact, Aleksandr's only crime was a desire to maintain his Jewish identity and live in Israel.

As a result of his prison term, Aleksandr suffers from a chronic heart condition. Since returning to his home in Kharkov, Aleksandr has succeeded in finding work and has resubmitted his visa application. Shortly after his request was filed, his daughter, Dorina, was fired from her job.

The Paritskys are active Kharkov refuseniks. They have helped to organize seminars on Jewish culture, history and the Hebrew language. Aleksandr taught Jewish history at the Jewish University of Kharkov, an unofficial school created in September 1980 to meet the needs of young refuseniks who are barred from the city's institutes of higher learning.

The time is long overdue to allow Aleksandr, his wife, Polina, and two daughters, Dorina and Anna, to emigrate to Israel and be reunited with Aleksandr's brother, Itzhak.

Those of us in the free world must continue to speak out on behalf of the Paritskys and the many others who are persecuted and oppressed by governments that do not recognize basic human rights. It is imperative that we continue to call upon the Soviet government to abide by international human rights agreements which recognize freedom of religion and the right to emigrate. I hope and pray that someday soon, the Paritskys will be able to celebrate the Sabbath freely and say with truth to their Kharkov neighbors, "Next year in Jerusalem."

Mrs. BOXER. Mr. Speaker, I thank my colleague, Representative MRAZEK, for calling this timely special order. As my colleagues know, it is particularly appropriate today, for it coincides with the Fourth Annual Congressional Fast and Prayer Vigil for divided families in the Soviet Union.

The issue of divided families is one of the invidious aspects of the problem of Soviet Jewish refuseniks. It is not bad enough that the individual cannot exercise his or her right to live in freedom—but often some members of families are allowed to leave while others must remain behind. All of us know the human tragedy of such a policy.

There are many examples being mentioned today. Each of them is heartbreaking. Let me add another to this sorrowful list, the case of Vinyamin Bogomolny, who has now been refused permission to emigrate for 20 years, making him the longest-waiting refusenik on record.

This case is particularly urgent. Just the day before yesterday, the Bogomolnys were again refused permission to emigrate. This is after being encouraged to do so by the Soviet authorities.

In 1966, Venyamin Bogomolny's family applied for exit permits. In 1970, Venyamin's parents and three sisters were allowed to emigrate to Israel, but Venyamin was not allowed to leave the Soviet Union. Instead, he was drafted into the army. After his discharge, Venyamin again reapplied for an exit visa, but this and all subsequent attempts have been in vain.

A particularly tragic aspect of this case is that Venyamin's wife, Natasha, has been diagnosed with breast cancer. She cannot get the necessary treatment in the Soviet Union. Mrs. Bogomolny's sister now lives in the San Francisco. There is no reason in the world why the Bogomolnys should not be allowed to join their family in this country.

In addition to the inability to leave, the Bogomolnys have suffered from another side effect of being a refusenik, official harassment from the authorities. Their apartment has been broken into on more than one occasion; Venyamin's life has been threatened and his telephone has been disconnected.

By denying the Bogomolnys—and hundreds of thousands like them—the ability to emigrate, the Sovet Union is saying once again that it does not believe in fundamental human rights. It is a despicable situation, and I pledge today that we here in the Congress will continue to speak out, again and again, until every single person who wants to leave is allowed to leave.

I thank all of my colleagues for their commitment to this cause.

NAVAJO-HOPI LAND DISPUTE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. UDALL] is recognized for 10 minutes.

Mr. UDALL. Mr. Speaker, I speak today about a problem that is personally distressing to me and that is the longstanding, tragic, dispute between the Navajo and Hopi Tribes, a dispute that remains unresolved and the cause of much bitterness and suffering.

In 1973, the Congress undertook to settle this dispute between the tribes and from that came the Navajo-Hopi Settlement Act that was signed into law in 1974. I opposed the bill requiring partition of the land and relocation of Indian families. I supported giving the disputing parties an opportunity to settle their differences and, failing that, to require binding arbitration. That failed and the law has passed with a deadline for relocation set for July 6, 1986, just 1 month away.

Over the past few months, I have repeatedly met with leaders of the two tribes in the hope that we could work out some form of agreement. That having failed, I decided to try to induce compromise and reason by using a legislative vehicle which would minimize relocation and settle most of

the dozen or so issues between the tribes.

Mr. Speaker, some weeks ago I introduced a bill, H.R. 4281, designed to provide the legislative initiative to generate action by the principals so that some resolution could be reached before the July 6 deadline.

Because the administration has voiced strong opposition to H.R. 4281, and since it is obvious that no realistic proposals have been generated as an alternative to the existing law, it appears to be futile to continue to pursue this course.

Mr. Speaker, I strongly feel that to continue to treat H.R. 4281 as viable and pending legislation would be misleading to all parties and would hold out false hopes to Navajo families facing relocation after the July 6 deadline.

Early on in this process, I made it clear that distinguished senior Senator BARRY GOLDWATER would be essential to any legislative action. He has made clear his opposition to our comprehensive bill and I must keep my word to him.

So, I have decided that attempts to pass this bill would fail and I plan no further action on it in committee.

With its opposition to H.R. 4281, the administration has insisted that existing law be implemented. For my part, the administration has now accepted the burden of overseeing the fair, humane, and peaceful implementation of the Relocation Act.

The House Appropriation Committee is now working on funding for the coming fiscal year and must have timely notice of the funding needs under existing law. I expect Secretary Hodel and Assistant Secretary Swimmer to aggressively seek the necessary funding to do justice to the Indian families who have already moved and those who are facing relocation.

In deferring action on this bill, I must express my profound regret to Chairman Peterson Zah, the elected representative and spokesman of the Navajo Nation. In supporting a comprehensive legislative solution, he has proved to be a strong advocate for the Navajo Nation and the Navajo families now facing relocation.

As the relocation deadline approaches, the House Interior Committee will continue to closely monitor the situation and will continue its oversight on the actions of the administration in carrying out the law. I will maintain contact with my colleagues and with the principals and, if future circumstances warrant, the committee may decide to take further action.

But, for now, it is vital that the Navajo and Hopi interests and outside parties involved exercise restraint and discretion in their actions. I call on everyone involved to show compassion and understanding of the intense human pain and suffering that will surely occur. I especially call on outside groups, such as the Big Mountain Legal Defense Fund, to cease their misinformation and distortion campaign and allow the principals to work out their differences without the threat of violence and disruption of the lives of two peaceful peoples.

Mr. Speaker, I would like to insert in the RECORD a comprehensive summary of facts and the background of this prolonged and difficult issue. Prepared by the staff of the Interior Committee. I think my colleagues will find it useful.

FACTSHEET AND BACKGROUND ON THE NAVAJO-HOPI LAND DISPUTE

HISTORY

The Hopi: The Hopi (Hó-pee) Tribe of northern Arizona are thought to be descendants of the pre-historic Anasazi Indians. Archaeological evidence indicates that the Anasazi people inhabited northern Arizona and New Mexico from around 300 B.C. until about 1200 A.D. The Anasazi culture abrupty disappeared at around that time.

The archaeological evidence indicates that the Hopi, as a distinct people, were occupying lands surrounding their current lands in northern Arizona as early as 1300 A.D. These Hopi aboriginal lands, adjudicated by the Indian Commission and the U.S. Court of Claims, were comprised of over 4,000,000 acres of land and included all of the lands now in dispute between the Hopi and Navajo tribes.

The earliest European contact with the Hopi was by Spanish explorers who encountered the Hopi in 1540 living in seven mesa-top villages in northeastern Arizona. The Hopi still live in several villages in the same general area, many of the villages being the same in which the Spanish found them. The village of Old Oraibi is considered to be the oldest continuously inhabitated site in the continental United States.

The Hopi are a sedentary, village-based people, with an economy based on dry farming and grazing. Their fields are located at the foot of the mesas upon which they live. Besides raising crops, they also engage in some livestock herding in areas near the mesas and travel occasionally to more distant points for ceremonial purposes, wood gathering, and hunting.

The tribe is a federally-recognized tribe, with a tribal government organized pursuant to the Indian Reorganization Act of 1934. The membership of the tribe is approximately 8,000 persons, most of whom resides on the reservation.

The Navajo: The time of the entry of the Navajo people into the Southwest is in some dispute. Their closest linguistic kin are the Apache people of the Southwest and the Athabascan Indians of central Alaska and northwestern Canada. Evidence indicates that they were in northwestern New Mexico as early as 1500. Eventually, they spread out from this area into other parts of what is now Arizona, New Mexico, and Utah. During this process, they almost surrounded the Hopi who continued to live in their mesa villages in northeastern Arizona.

The Navajo are a semi-nomadic grazing and hunting people who seldom gathered in cohesive communities. Families and kinship groups roamed rather extensive areas in search of forage and game. It is this process and lifestyle which resulted in their occupation of large parts of northern New Mexico and Arizona.

The Navajo tribe is a federally-recognized tribe with a tribal government organized under a constitution adopted by the tribe and approved by the Secretary of the Interior. The current membership is approximately 150,000 with about 100,000 living on the Navajo reservation of approximately 13,000,000 acres.

THE LAND DISPUTE

The Origin: Primarily because they never engaged in hostilities with the United States, the Hopi have never entered into a treaty with the United States. As a consequence, there was never a recognition under the laws of the United States of the right of the Hopi to the lands which they used and occupied from time immemorial.

As noted, the Navajo people, both because of their nomadic life-style and because of the pressures of Spanish and, later, American settlers, began to expand from their aboriginal base of northern New Mexico. The contacts between the white settlers and the Navajo resulted in conflict and hostilities. As a result, in 1863, the U.S. Army under the command of Colonel Kit Carson defeated the Navajo and exiled and incarcerated several thousand Navajo at Ft. Sumner in eastern New Mexico. Many Navajo, however, escaped Carson's roundup and remained in the northern New Mexico and Arizona area.

In 1868, the Navajo Tribe entered into a treaty with the United States which established a reservation for the Navajo in northwestern New Mexico and northeastern Arizona. This reservation lay to the east of the disputed lands. However, some Navajo families, primarily from those who had escaped from Carson, were already living in and around the disputed lands.

From the beginning of the American era in the Southwest, i.e., 1848, Hopi leaders continuously complained to the Federal government of encroachments upon their lands by Navajo people. In addition, they complained of encroachments by Mormon settlers coming into the area from Utah. Because the Hopi did not have a legally recognized reservation, local Federal officials had no power to respond to the Hopi complaints.

The Federal Indian agent for the Hopi at Keams Canyon himself felt ham-strung by the lack of a reservation. White persons, whom he considered to be agitators of the Hopi, were living in some of the Hopi villages and encouraging them to resist his authority. In the absence of a reservation, he had no legal authority to evict them.

1882 Hopi Reservation: To respond to the Hopi complaints of Navajo and Mormon encroachment and the agent's concern about white agitators, President Arthur signed an executive order in 1882 estabishing a reservation for the Hopi people. The order described a rectangular tract of land in northern Arizona approximately 70 miles north to south and 57 miles east to west comprising approximately 2,472,095 acres.

The order provided that the reservation was for the Moqui (Hopi) and "such other Indians as the Secretary of the Interior may see fit to settle thereon". It is this phrase which is the legal basis for the dispute between the two tribes.

The 1882 reservation enclosed all but one of the Hopi villages. In addition, it is estimated that around 300 Navajo were already living on the lands included in the 1882 reservation.

Despite the establishment of the reservation, Navajo and white encroachment continued unabated without response by Feder-

al officials and Hopi complaints continued to be registered with these officials. By 1958, Hopi use of their reservation had been reduced to a tract of land of about 600,000 acres.

THE LITIGATION

1958 Jurisdictional Act: As noted, by 1958, the Hopi were in possession and use of about 600,000 acres of their 2,472,095 acre reservation with the remainder in Navajo use and occupation. In 1958, Congress, for the first time, addressed the issue of the land dispute between the Navajo and Hopi tribes. In reaction to the continuous Hopi complaints, Congress passed the Act of July 22, 1958 (72 Stat. 403) which authorized each tribe to institute or defend an action against the other "for the purpose of determining the rights and interests of such parties to said lands and quieting title in the tribes or Indians establishing such claims pursuant to such Executive Order as may be just and fair in law and equity."

Healing v. *Jones:* The result of this authorization was that the Hopi Tribe instituted suit against the Navajo Tribe in a three-judge Federal district court to determine its interest in the 1882 reservation. After extensive and costly litigation, the district court handed down its decision in the case of *Healing* v. *Jones* (210 Fed. Supp. 125) which was affirmed on appeal to the Supreme Court (373 U.S. 758).

In brief, the court decided:

1. Neither tribe obtained any vested right in the land under the 1882 Executive Order. The rights did become vested by the 1958 Jurisdictional Act and, thereupon, became protected by the 5th Amendment to the Constitution.

2. By a 1943 administrative action of the Secretary of the Interior establishing a grazing district for the exclusive use of the Hopi surrounding their villages, the Hopi obtained the exclusive right to that area, known as Land Management District No. 6, approximating 650,000 acres.

3. Because of administrative actions taken between 1937 and 1943, the Secretary impliedly settled the Navajo Tribe within the 1882 reservation under the proviso of the Executive Order.

4. The Hopi Tribe and the Navajo Tribe, subject to the trust title of the United States, have a joint, equal, and undivided interest in the remainder of the 1882 reservation which became known as the Joint Use Area (JUA).

5. The 1958 Jurisdictional Act did not confer authority on the court to partition the joint interests between the two tribes.

In effect, the court gave the Hopi the exclusive right to 650,000 acres of the 1882 reservation and a joint, equal, and undivided right with the Navajo Tribe to the remaining 1,882,095 acre JUA area. Nevertheless, the Navajo continued to exclusively use and occupy the JUA.

Writ of Assistance and Order of Compliance: Between 1962 and 1972, the Hopi Tribe made repeated attempts to secure the use of one-half of the JUA. Requests and demands were made upon the Bureau of Indian Affairs and the Navajo Tribe without success. The Navajo remained in exclusive use and occupancy of the JUA.

In 1972, the Hopi Tribe returned to the Federal District court in a supplementary proceeding to *Healing* v. *Jones*. In an action against the United States and the Navajo Tribe entitled *Hamilton* v. *MacDonald*, the court entered Findings of Fact and Conclusions of Law on September 7, 1972. The court determined that the Hopi Tribe and its members had been wrongfully excluded from one-half of the use of the JUA and were entitled to an order of the court putting them into such use.

On October 14, 1972, the district court, in the same case, issued an Order of Compliance directed to the United States and the Navajo Tribe. The order directed them to "grant and permit the joint use and possession of the surface including all resources of the JUA "to the Hopi Indian Tribe and the Navajo Indian Tribe, share and share alike.".

On the same day, the court issued a Writ of Assistance to the United States Marshal. The Writ required the Marshal to implement the Order of Compliance and to "put and establish the Hopi Indian Tribe for the benefit of its members in full and peaceable possession of its undivided, one-half interest in and to said premises and that you do, from time to time, as often as shall be necessary preserve and defend the said possession of said premises against all force and interruption whatsoever . . .".

Pre-1974 Legal Status: The net effect of this series of legal decisions, i.e. *Healing* v. *Jones* and the Findings of Fact and Conclusions of Law, the Order of Compliance, and the Writ of Assistance in *Hamilton* v. *MacDonald*, was that the Navajo families living on the JUA were facing either direct or constructive eviction by the United States Marshal under court order. Little or no provision would have been made for relocation assistance to these Navajo people and the implementation of the court order would have been disastrous.

PUBLIC LAW 93-531

Legislative Action: As the 93rd Congress convened in 1973, it was obvious that only Congress could deal with the potential disaster stemming from the court-ordered eviction of Navajo families. In the preceding Congress, the House considered and passed legislation (H.R. 11128) which legislatively partitioned the surface area of the JUA between the two tribes. However, no action was taken in the Senate.

In the 93rd Congress, several bills were introduced in an attempt to legislatively resolve the longstanding Navajo-Hopi land dispute. These bills fell into three categories as follows:

1. Partition of the surface of the JUA between the two tribes on a 50-50 basis: H.R. 5647 by Mr. Steiger of Arizona and H.R. 10337 by Mr. Owens of Utah.

2. Tribal mediation and arbitration: H.R. 7679 by Mr. Meeds of Washington and H.R. 14602 by Mr. Udall of Arizona.

3. Buy-out of the Hopi rights for the benefit of the Navajo: H.R. 7716 by Mr. Lujan of New Mexico.

Obviously, the Hopi Tribe supported the first approach and the Navajo Tribe supported the third approach. Neither tribe supported the "tribal resolution" approach in the bills by Mr. Meeds and Mr. Udall.

The consideration of this legislation was intense, heated and controversial, including field visits to the JUA, Committee hearings, and extensive Committee and floor debate in both Houses. Both tribes mounted expensive and sophisticated lobbying campaigns. After nearly two years of legislative action, Congress passed H.R. 10337 providing for the judicial partition of the JUA equally between the two tribes and the relocation of families on one tribe living on lands partitioned to the other tribe. This legislation was signed into law as P.L. 93-531 on December 22, 1974.

Public Law 93-531: Major provisions of P.L. 93-531 were—

1. An initial mediation period was established during which a Mediator appointed by the Federal district court would attempt to get the two tribes to resolve the matter themselves. This failed and the Mediator made his report to the court on December 12, 1975.

2. In the absence of a mediated solution, the Court would partition the surface area of the JUA between the two tribes pursuant to a report filed by the Mediator. The partition line was to be drawn by the Court in order, among other criteria, to minimize the need for relocation of families. The final order of partition was handed down by the U.S. District Court for Arizona on April 18, 1979.

3. A Navajo and Hopi Indian Relocation Commission was created to develop and implement a plan of relocation. This report was filed with the Congress on April 3, 1981. Under the law, relocation was to be completed within five years from the date Congress accepted the report which would be July 6, 1986. Voluntary relocation of Navajo families began in May of 1977, however.

4. Relocation benefits, for which resettled families were eligible, included—

a. Incentive payments of either $5,000, $4,000, $3,000, or $2,000 depending upon when the family signed up for relocation.

b. Payment of the fair market value of all improvements on the lands from which a family was to be moved.

c. Actual reasonable costs of relocation.

d. Reasonable cost of a decent, safe, and sanitary replacement dwelling.

1980 Amendments: In 1980, legislation was enacted which made numerous amendments to P.L. 93-531. The most significant and relevant amendment was that which provided for up to 400,000 acres of new lands for the purpose of relocation of Navajo families. That land finally became available in the Spring of 1986.

Implementation: To date, a total of 4,023 Navajo families have applied for benefits as relocatees from the Hopi Partitioned lands. Of these, 2,437 have been certified as eligible and 1,534 have been denied eligibility. Of those who have been certified as eligible, 972 families have been relocated and paid their benefits and another 57 are in the process of acquiring a replacement dwelling.

Of the certified families, around 1,100 have moved from the Hopi Partitioned Lands, some as long ago as ten years, but have never been paid their relocation benefits.

A final category of families are those Navajo families remaining on lands partitioned to the Hopi Tribe who have not applied for relocation benefits. Estimates of the number of such families vary from 237 as reported by the Bureau of Indian Affairs to 300 as reported by the Relocation Commission to 500-600 as reported by the Navajo Tribe.

CURRENT LEGISLATION

On February 27, 1986, Congressman Udall introduced legislation, H.R. 4281, to further amend and modify the provisions of P.L. 93-531. As noted in his introductory statement, Mr. Udall developed the legislation to achieve two goals. First, he hoped that the bill would serve as a catalyst for the development of other proposals for a comprehensive resolution of the remaining problems involved in the land dispute by other concerned parties. Second, he hoped that, failing the development of other proposals,

H.R. 4281 could serve as the basis for a comprehensive settlement which could, with appropriate changes, generate a consensus of support.

While the bill deals with a number of issues directly and peripherally related to the 1882 lands, the centerpiece of the bill would involve an exchange of lands between the Navajo and Hopi tribes such that most of the remaining Navajo families on Hopi lands would not have to move.

An explanatory hearing was held by the Committee on Interior and Insular Affairs on H.R. 4281 on May 8, 1986. Testimony was taken from Assistant Secretary of the Interior for Indian Affairs Ross Swimmer, Chairman Peterson Zah of the Navajo Tribe, and Chairman Ivan Sidney of the Hopi Tribe. Mr. Zah supported the legislation with objections to certain provisions. Mr. Swimmer and Mr. Sidney opposed enactment of the legislation.

After careful consideration of the results of that hearing and of other information provided to the Committee, Chairman Udall has determined that his legislative initiative should be tabled and no further action taken. With the strong opposition of the Administration, the Hopi Tribe, and the advocates of the Big Mountain people, he has determined that pursuing this legislation would be futile and misleading to the Navajo families facing relocation.

In view of the Administration's opposition to the legislation, Mr. Udall will expect the Administration to assume the full burden of fair, humane implementation of the existing law. The Committee will monitor their actions and will continue to review developments on the issue. Should changing circumstances warrant, the Committee reserves the right to revisit this matter.

QUESTIONS AND ANSWERS

Why did Mr. Udall limit the witnesses on the May 8th hearing and not representatives of the "Big Mountain" people to testify?

As noted, Mr. Udall's purpose in introducing the bill was to see if could (1) serve as a catalyst for other proposals and (2) generate a consensus of support for the bill iteself. The May 8th hearing was an explanatory hearing to see if the bill had had that effect or, if it had not, to see if there was any hope that it could. The public airing of the positions of the major parties would permit the Committee to assess the impact of the bill. Mr. Udall is currently considering the results of that hearing and other information to determine what future course of action is most appropriate.

Why shouldn't P.L. 93-531 simply be repealed?

Simple repeal of P.L. 93-531 would be both (1) impractical and (2) foolish for the Navajo people.

First, it would be impractical to simply repeal the law. It has been subject to implementation for a period of 12 years. Personal, physical, and legal circumstances have changed so much in those 12 years that it would be impossible to restore the matter to the *status quo ante*.

Second, it would be very foolish for the Navajo families now living on Hopi Partitioned Lands to simply have the law repealed. As noted in the Litigation portion of this background, under the pre-1974, pre-P.L. 93-531 legal status, the Navajo families were facing either direct or constructive eviction under the order of the Federal district court. This eviction would have occurred without any relocation assistance. If the law was simply repealed, that is the legal situation which would again face the remaining Navajo and not only those living on Hopi Partitioned Lands, but those living on lands partitioned to the Navajo Tribe as well.

What is the July 6th deadline and what will happen after it passes?

Under the law, relocation was to be completed five years after the Commission submitted its relocation plan to the Congress. That date is July 6, 1986. After that date, Navajo families remaining on Hopi lands will no longer have a legal right to be there. Technically, they would be subject to legal eviction. However, under the Interior Appropriations Act for fiscal year 1986, no Federal funds may be used for evictions. In effect, the deadline has been extended until September 30, 1986.

Isn't it true that there is no real dispute between the Navajo and Hopi Tribe, but that the whole matter was concocted by energy companies and the Federal Government to facilitate the development of very valuable mineral resources under this land?

No, it is not true. This tribal dispute is very real, very bitter, and of long-standing duration. The background on the matter should make that very clear.

It is true that very valuable strippable coal deposits underlie much of the disputed lands. As explained, prior to the 1958 Jurisdictional Act, neither tribe had any legal right to those resources. Their right to the resources became vested with the enactment of the 1958 Act. Under the *Healing* v. *Jones* decision, the United States held those mineral resources in trust for the joint, equal, and undivided benefit of both tribes. Under Federal Indian law, neither tribe could provide for the development of those resources without the consent of the other and development would also require the approval of the Secretary of the Interior.

That legal situation did not change after the passage of P.L. 93-531. The subsurface estate of the former JUA remains in the joint ownership of both tribes, regardless of which tribe now owns the surface estate. It still requires the consent of both tribes to develop the mineral resources of the former JUA and it still requires the approval of the Secretary. Since the approval of the Secretary constitutes a major Federal action, any lease of those coal resources is subject to an Environmental Impact Statement under the Environmental Protection Act.

In addition, development of such resources would be subject to the Surface Mining Control and Reclamation Act, the Clean Water Act, the Clean Air Act, the Indian Religious Freedom Act, the Safe Drinking Water Act, the Archaeological Protection Act, and many other Federal laws protecting the environment.

Finally, these lands, whether the surface is owned by the Hopi or Navajo Tribe, are dotted with the religious sites and sacred shrines of both tribes. The Hopi Tribe is one of the most religious and traditional tribes in the United States, as is Navajo. It is foolish to believe that either of these tribes, whose people have such a great respect and reverance for the earth, would rush headlong into the environmental destruction of their lands.

Nevertheless, the members of both of these tribes, like many other Indian tribes, are in an extreme state of impoverishment. Extremely high unemployment and great need is the rule for both tribes. It would also be foolish to think that they would not try, in an environmentally sound manner, to develop their natural resources for the betterment of their people.

Isn't it true that the tribal governments of these two tribes are the creation of the Federal Government; that they are the tools and puppets of the Federal Government; and that they do not represent their people, particularly the traditionalists?

By 1880, the defeat of Indian tribes by the United States and their concentration on reservations was nearly complete. For the next fifty years or nearly two generations, it was the official, although illegal, administrative policy of the United States to suppress and destroy traditional forms of tribal government and to ban or punish the practice of traditional religious and cultural activity.

By 1930, the only effective government on most Indian reservations was the Bureau of Indian Affairs as represented by the local Indian agent. Traditional forms had either been destroyed or had been driven underground. Those that remained were treated as little better than debating societies, if not completely ignored by the BIA. Two generations of Indians were unschooled in the art of self-government.

With the New Deal of the Roosevelt Administration came an "Indian New Deal". Legislation was passed, the Indian Reorganization Act of 1934, to restore the right of tribal self-government. With it came the requirement that Federal officials assist tribes in reconstituting governmental forms. Since many Indians were unschooled in self-government, including the traditional forms, and since the Federal officials were required to assist them in reconstituting governments, the forms adopted were largely Federal creations. And it is true that, in their formative years, they were largely dominated by the BIA.

However, that is now no longer true. Tribal governments, including the Hopi and Navajo governments, are independent, strong, and vital. While many of them incorporate elements of their traditional forms of government, they are largely democratic with intensive membership participation.

It is true that there is an element of the Hopi people who do not recognize and do not participate in the existing Hopi government. Nevertheless, a greater percentage of the membership does recognize and participate in that government.

□ 1845

CENTRAL AMERICA: A TWO-PRONGED PROBLEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. RAY] is recognized for 30 minutes.

Mr. RAY. Mr. Speaker, on June 16, the House of Representatives will reconsider providing humanitiarian and lethal aid to the Nicaraguan Contra freedom fighters.

I want to take a few minutes to address this issue and to give my present views concerning this forthcoming legislation.

Mr. Speaker, I have consistently supported aid and assistance to Central America until the vote on March 20, 1986, which would have provided $100 million in humanitarian and lethal assistance to the Contra freedom fighters.

I opposed this legislation which failed because I was not satisfied with the handling and accounting of the $27 million in funds which had previously been approved in March 1985.

I remain sympathetic, however, to the critical situation which exists in Central America. Cuba and Nicaragua have been lost to the Marxist form of government and other nations are endangered and threatened.

The serious economic conditions existing in Central America make the countries there prime targets for citizen unrest and opportunist nations such as Cuba and Russia.

The House of Representatives in June will take a second vote on approving $100 million in aid to the Contras. To prepare myself for this vote of reconsideration, I traveled to Central America during the last of May and the first week of June.

In order to better understand the circumstances involved in this region, my agenda included individuals, embassies, and government officials; a 2½-hour meeting with the Contra leaders—Mr. Callero, Mr. Robelo, and Mr. Cruz; a visit to the United Nicaraguan Organization [UNO] which is in effect the umbrella organization of the Contras or the government in exile; a visit to the Nicaraguan Democratic Force [FDN]—the military arm of UNO—to review in depth their accounting and purchasing procedures, their logistics organization, their human rights group, their press and propaganda organization, and their directorate group; and finally a trip to the Contra's base camp in the mountains of Honduras on the Nicaraguan border.

Following this visit, I joined a congressional group which subsequently visited Guatemala, Costa Rica, Honduras, El Savador, and Nicaragua, where we met with the presidents of each country and their foreign ministers.

After these meetings, I am now convinced that there are two separate issues at work in Central America, and we must address both of these:

The Marxist regime which has taken hold in Nicaragua and which threatens neighboring countries, and

The struggling democracies in Costa Rica, Honduras, Guatemala, and El Salvador, which look to the United States and the free world for both an example and for assistance.

THE SITUATION IN NICARAGUA

Nicaragua's economy is rapidly deteriorating under the influence of the Marxist philosophy. They are relying on the Soviet Union for humanitarian and military assistance and are rapidly moving the government to a marxist regime.

After visiting with President Daniel Ortega and his foreign minister, I am of the opinion that the chances of their moving voluntarily to a democratic government are very slim at this point.

The Contadora process, which attempts to involve the Central America countries in an agreement to end the arms buildup and the withdrawal of all foreign countries, is still under consideration but it is unlikely that Nicaragua will agree to the terms.

Therefore, it would appear that other tactics must be considered to pressure the end of the Sandinista form of government.

Presently, Costa Rica reports that 250,000 refugees have fled Nicaragua and are living within its borders.

Honduras reports approximately 125,000 are living within its borders.

Many others are in these and other countries and are not reported or accounted for.

Approximately 20,000 have formed the counterrevolutionary movement and are known as the Contras. This group has been supported by the United States and other sympathetic groups.

Its goals are to mount an armed resistance movement against the Sandinista government and to encourage its six political parties to work toward free elections.

This group will need adequate and dependable support and assistance over the next few years. But their success will ultimately depend on the people of the country rallying behind such a group. An uprising of support through the political process, such as recently occurred in the Philippines, will be necessary to lead Nicaragua into a Democratic society.

Time appears to be of the essence.

The Sandinista government is in its seventh year of administration and has its doctrine in place in the school system, including the Catholic parochial schools.

A Marxist-type block system is in place and a security police system is in place to monitor it.

The prison system has been greatly increased and it is reported that eight new prisons have been built. At the same time health care has virtually vanished for the common people, which tells us a lot about the Sandinista priorities.

Several lower ranking members of opposition parties have been imprisoned because of political activity and are presently confined.

The military has increased from 15,000 personnel to over 60,000 personnel—the largest in Central America.

It is reported that a Cuban military officer is in charge of over all military operations.

New military bases are being constructed in remote corners of the country.

Therefore, the window of opportunity to destabilize this Marxist regime in our backyard is closing quickly. Estimates are that in 3 years, the Communist government will be firmly rooted in Nicaragua, if nothing changes.

After visiting the Contra and UNO leaders, I am of the opinion that they are sincere and unselfish in their desires to move Nicaragua into a democratic state.

I was impressed with the recently concluded conference and agreement which set up majority votes except in areas which require a consensus.

I was surprised to find an organizational procedure in place and operating, which comprised the makings of a government in exile.

I was informed that their goal is a political settlement in preference to a military one. But they believe pressure must come from both a political arm and a military arm. The organization has as its goals a positive program which will excite and motivate the people to move against the Sandinista government and force free elections, which would decide against the Communist form of government.

I was impressed with the Contra troops. During my two visits to the Contra camps over a 5-day span, I was struck by the respect which the troops held for their commander, Colonel Bermudez.

At the time of my visit, about 7,000 troops were in the camps and about 10,000 were reported to be scattered around Nicaragua.

About 500 Nicaraguans are reported to be joining the Contra organization each month.

They each have one uniform. They have been provided with an AK-47 Soviet rifle with ammunition, purchased on the Eastern bloc, black market.

A training center exists and approximately 5,000 graduates have gone through this center in the last 6 months.

The Contras have an air arm with two helicopters and a few other civilian and surplus aircraft, that do not work very well or very often.

But there is a strong and evident spirit among these thousands of young men and some women, who obviously believe that they can win.

And I gained the distinct impression that with adequate subsistence, strategy, and organization, they could indeed win with the support and confidence of the people of Nicaragua.

The evidence is clear—thousands of young people, whose age averages from 18 to 22, would not be risking their lives if the Sandinista government was better than the rugged life of near starvation and rugged jungles and mountains.

FOREIGN POLICY IN CENTRAL AMERICA

The second issue my visit made clear is that our foreign policy is badly misdirected. I firmly believe that our country needs to reduce its foreign aid, in some areas simply because we don't

need to be sending massive amounts of money out of the country when so many of our own people and industries are in financial trouble.

One of the major problems with our program is that we give money away in tremendous amounts to many countries, and then we do not demand or receive their support and cooperation. For example, right now our textile industry is in real trouble in this country and many of the nations which refuse to cooperate with us in establishing a fair and level playing field are the same ones we support. Our Nation's trade problems should be considered when we decide where our aid will go.

In my opinion, it is time to consider cutting back the aid and assistance, including military, which we are freely giving to many Middle Eastern and European countries. We should demand that they carry their fair share and work with us as allies and partners.

But, one area of the world that has been neglected in our foreign policy is our neighbors in Central America.

I made several observations during my visit:

The economy and foreign debt of all countries is serious. Costa Rica is in better shape than its neighbors and Honduras is extremely poor. All are in need of a strengthened economy.

Guatemala, Costa Rica, Honduras, and El Salvador have newly elected Presidents and democratic societies which promise to open the doors to a new beginning for the first time in history. But they will need support and assistance in large doses from America and the free world promptly if they are to succeed.

Their success and progress, in my opinion, should be a priority. They are in our neighborhood in the Americas and their success would lead to an example which could be encouraging to other nations in Latin America.

The apparent consensus of the group of Congressmen which I was traveling with on the last leg of this trip was that the situation seemed to be important enough and critical enough to warrant the shifting of priorities from Europe and Asia to Central America.

A consensus also seemed to lean toward fully implementing the Kissinger plan and adding to it to infuse large doses of economic assistance to this area.

I would agree, providing certain conditions were given consideration:

First, that this money be taken out of the existing foreign aid which we now spend for other areas of the world—and that it not be new foreign aid money.

Second, that American agriculture, which is in a desperate situation, be given some sort of parallel consideration.

Third, that the aid be provided over 5 years on a dollar matching plan—not necessarily dollar for dollar, but from country to country depending on the economic conditions and increasing or decreasing depending on appropriate use and progress of aid.

Agricultural, health, and educational assistance is critical.

The Caribbean Basin Initiative to encourage industrial growth and trade should be strengthened.

In conclusion, I would hope that the Congress would focus on these items which I have referred to and approve both aid and support for the Contras who are struggling to return democracy to Nicaragua, and assistance to the newly elected civilian democracies in Central America.

In Central America we have a unique opportunity to encourage the spread of democracy. In these countries, infant governments—one Marxist, four democratic—are seeking to take hold. The form of government which brings economic revitalization to this troubled area will be viewed by the world as a success. In my opinion, it is our duty as the leading democratic Nation of the world to do all we can to support and strengthen the democratic forces in Central America.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PICKLE (at the request of Mr. WRIGHT), for today, on account of a necessary absence.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCKERNAN) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 30 minutes, today.

Mr. COURTER, for 60 minutes, on June 10.

Mr. GILMAN, for 5 minutes, today.

Mr. FISH, for 5 minutes, today.

(The following Members (at the request of Mr. MRAZEK) to revise and extend their remarks and include extraneous material:)

Mr. KLECZKA, for 5 minutes, today.

Mr. PEPPER, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. MACKAY, for 5 minutes, today.

Mr. RAY, for 30 minutes, today.

Mr. HEFTEL of Hawaii, for 60 minutes, on June 10, 11, 12, 17, 18, 19, 24, 25, and 26.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. DELLUMS (at the request of Mr. BROOKS) during general debate on H.R. 4784, following the remarks of Mr. WEISS, in the Committee of the Whole today.

Mr. WEISS, during debate on the Burton of California amendment to H.R. 1 in the Committee of the Whole today.

(The following Members (at the request of Mr. MCKERNAN) and to include extraneous matter:)

Mr. PURSELL in two instances.
Mr. ROBERT F. SMITH.
Mr. SAXTON.
Mr. COURTER.
Mr. MYERS of Indiana.
Mr. MORRISON of Washington.
Mr. BARTON.
Mr. BEREUTER.
Mr. FAWELL.
Mr. GEKAS in three instances.
Mrs. ROUKEMA.
Mr. GILMAN.
Mr. FISH.
Mr. BROWN of Colorado.
Mr. BURTON of Indiana.
Mr. SILJANDER.

(The following Members (at the request of Mr. MRAZEK) and to include extraneous matter:)

Mr. TORRES.
Mr. HAMILTON.
Mr. RANGEL.
Mrs. LLOYD.
Mr. STOKES.
Mr. DYSON in three instances.
Mr. WEISS.
Mr. YATRON.
Mr. COLEMAN of Texas.
Mr. STUDDS.
Mr. BREAUX.
Mr. MATSUI in two instances.
Mr. LIPINSKI.
Mrs. COLLINS.
Mr. DURBIN.
Mr. YATRON.
Mr. KOLTER.
Mr. MURTHA in two instances.
Mr. FASCELL in two instances.
Mr. BROWN of California.
Mr. DIXON in two instances.
Mr. WOLPE.
Mr. LUKEN.

ADJOURNMENT

Mr. RAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 3 minutes p.m.), under its previous order, the House adjourned until Monday, June 9, 1986, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from

the Speaker's table and referred as follows:

3646. A letter from the Secretary of Education, transmitting a copy of proposed final regulations for the Magnet Schools Assistance Program, pursuant to 20 U.S.C. 1232(d)(i); to the Committee on Education and Labor.

3647. A letter from the Executive Director, National Digestive Diseases Advisory Board, transmitting a copy of the Board's 1986 annual report; to the Committee on Energy and Commerce.

3648. A letter from the general counsel, Department of Energy, transmitting notification that a meeting of the Industry Working Party of the International Energy Agency was held on June 2, 1986, in Paris, France; to the Committee on Energy and Commerce.

3649. A letter from the Acting Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a copy of the original reports of political contributions for Cynthia Shepard Perry, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Sierra Leone, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3650. A letter from the general counsel, Copyright Office, transmitting notification of proposed new and altered Federal records systems, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3651. A letter from the Secretary of Defense, transmitting a copy of the inspector general's report for the 6-month period ending March 31, 1986, pursuant to Public Law 95-452, section 5(b) (96 Stat. 750); to the Committee on Government Operations.

3652. A letter from the Secretary of Labor, transmitting notification of a proposed amendment to an existing Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3653. A letter from the Secretary of Labor, transmitting notification of his determination that it is in the public interest to make a proposed contract award to the International Union of Operating Engineers without obtaining full and open competition, pursuant to 41 U.S.C. 253(c)(7); to the Committee on Government Operations.

3654. A letter from the Secretary of the Interior, transmitting the 1985 annual report on research and demonstration projects in alternative coal mining technologies, pursuant to 30 U.S.C. 1328(d) (Public Law 95-87, sec. 908(d); Public Law 97-257, sec. 100); to the Committee on Interior and Insular Affairs.

3655. A letter from the Secretary of the Interior, transmitting a copy of the financial exhibits of the Colorado River storage project and participating projects for the fiscal year ended September 30, 1985, pursuant to 43 U.S.C. 620e; to the Committee on Interior and Insular Affairs.

3656. A letter from the Commissioner, Immigration and Naturalization Service, transmitting a report on waivers granted from certain admissibility requirements for refugees during the first quarter of fiscal year 1986, pursuant to 8 U.S.C. 1157(c)(3); to the Committee on the Judiciary.

3657. A letter from the Administrator of Veterans' Affairs, Veterans' Administration, transmitting a draft of proposed legislation to amend title 38, United States Code, to improve the delivery of health care benefits by the Veterans' Administration and for other purposes; to the Committee on Veterans' Affairs.

3658. A letter from the Director, U.S. Information Agency, transmitting a draft of proposed legislation to amend title III of the Cultural Property Implementation Act, Public Law 97-446, to clarify the procedures for the designation of the Chairman and duration of the members term of office of the Cultural Property Advisory Committee; to the Committee on Ways and Means.

3659. A letter from the Acting Chairman, National Transportation Safety Board, transmitting a draft of proposed legislation to amend the Independent Safety Board Act of 1974 to authorize appropriations for fiscal years 1987, 1988, 1989, and for other purposes; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

3660. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to provide for the operation and maintenance of certain fish propagation facilities constructed in the Columbia River basin, and for other purposes; jointly to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MONTGOMERY: Committee on Veterans's Affairs. H.R. 4345. A bill to authorize the Administrator of Veterans' Affairs to establish a national cemetery in or near Cleveland, OH. (Rept No. 99-622). Referred to the Committee of the Whole House on the State of the Union.

Mr. FUQUA: Committee on Science and Technology. H.R. 4252. A bill to authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974; with an amendment (Rept No. 99-623). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON:

H.R. 4939. A bill to amend the Shipping Act of 1984 to foster increased competition among ocean common carriers in connection with the transportation of certain Government cargoes; to the Committee on Merchant Marine and Fisheries.

By Mr. CARPER:

H.R. 4940. A bill to amend the Impoundment Control Act of 1974 with respect to consideration by the House of Representatives and the Senate of rescissions of budget authority; to the Committee on Government Operations.

H.R. 4941. A bill to amend the Congressional Budget Act of 1974 to create a point of order in the House of Representatives and the Senate against the consideration of any legislation after April 15 unless Congress has completed action on the concurrent resolution on the budget; to the Committee on Rules.

By Mr. DERRICK:

H.R. 4942. A bill to amend title 28, United States Code, to create the Beaufort Division in the District of South Carolina and designate Beaufort as the place of holding court for the new division; to the Committee on the Judiciary.

By Mr. DICKS:

H.R. 4943. A bill to repeal the application of revenue ruling 86-63, relating to the deductibility of contributions to university athletic funds; to the Committee on Ways and Means.

By Mr. EVANS of Iowa:

H.R. 4944. A bill to amend the Farm Credit Act of 1971 to provide for the issuance of bonds that can be redeemed upon call by the Farm Credit System or its fiscal agent; to the Committee on Agriculture.

By Mr. GEJDENSON (for himself, Mr. GUARINI, Ms. KAPTUR, Mr. TOWNS, Mr. WORTLEY, Mr. LOWRY of Washington, Mr. BEDELL, Mr. FRANK, Mr. FAZIO, Mr. HAYES, Mr. SMITH of Florida, Mr. MRAZEK, Mr. LIPINSKI, and Mr. LEVIN of Michigan):

H.R. 4945. A bill to amend the Public Health Service Act to encourage and assist States in requiring hospitals to establish protocols for identifying potential organ and tissue donors; to the Committee on Energy and Commerce.

By Mr. LOWRY of Washington (by request):

H.R. 4946. A bill to establish in the Treasury of the United States a revolving fund to be known as the "Panama Canal Revolving Fund"; to the Committee on Merchant Marine and Fisheries.

By Mr. MORRISON of Washington:

H.R. 4947. A bill to authorize certain elements of the Yakima River Basin Water Enhancement Project, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PARRIS:

H.R. 4948. A bill to amend title 38, United States Code, to initiate a direct appraisal program for the Veterans' Administration home loan guarantee program; to the Committee on Veterans' Affairs.

By Mrs. SCHROEDER:

H.R. 4949. A bill to protect copyrighted computer programs from illegal copying; to the Committee on the Judiciary.

By Mr. SENSENBRENNER:

H.R. 4950. A bill to amend the Perishable Agricultural Commodities Act, 1930 to require commission merchants, dealers, and brokers to label perishable agricultural commodities with the name of the country of origin of such commodities; to the Committee on Agriculture.

By Mr. SOLOMON:

H.R. 4951. A bill to amend the Social Security Act to prevent disinvestment of the Social Security trust funds; jointly, to the Committees on Ways and Means, and Energy and Commerce.

By Mr. KASTENMEIER (for himself, Mr. MOORHEAD, Mr. BROOKS, Mr. MAZZOLI, Mr. SYNAR, Mrs. SCHROEDER, Mr. FRANK, Mr. MORRISON of Connecticut, Mr. BERMAN, Mr. BOUCHER, Mr. HYDE, Mr. KINDNESS, Mr. SWINDALL, Mr. COBLE, Mr. EDWARDS of California, Mr. CONYERS, Mr. ENGLISH, Mr. MATSUI, Mr. BRUCE, Mr. OWENS, Mr. MITCHELL, Mr. KOSTMAYER, Mr. NOWAK, and Mr. LELAND):

H.R. 4952. A bill to amend title 18, United States Code, with respect to the interception of certain communications, other forms

of surveillance, and for other purposes; to the Committee on the Judiciary.

By Mrs. MEYERS of Kansas (for herself, Mr. MICHEL, Mr. FRENZEL, Mr. THOMAS of California, Mr. PANETTA, Mr. VANDER JAGT, Mr. LEWIS of California, Mr. LAGOMARSINO, Mr. COATS, Mr. HILLIS, Mr. JACOBS, Mr. GEJDENSON, Mr. BATES, Mr. TAUKE, Mr. ROBERTS, Mrs. JOHNSON, Mr. MCKERNAN, Mr. LIGHTFOOT, Mr. DIOGUARDI, Mr. HENRY, Mr. SAXTON, Mr. STRANG, Mr. WHITTAKER, and Mr. GALLO):

H.R. 4953. A bill providing for time limits for completion of recounts in general and special elections for the office of Representative; to the Committee on House Administration.

By Mr. WOLPE (for himself, Mr. HORTON, Mr. LEVIN of Michigan, Mr. CARR, Mr. LIPINSKI, Mrs. SCHNEIDER, Mr. MACKAY, Mr. SCHEUER, Ms. KAPTUR, Mr. GEPHARDT, Mr. MARTINEZ, Mr. ZSCHAU, Mr. FAZIO, Mrs. JOHNSON, Mr. MORRISON of Connecticut, Mr. RITTER, Mr. BRUCE, Mr. OBERSTAR, Mr. MRAZEK, Mr. BEDELL, Mr. EDGAR, Ms. OAKAR, Mr. WALGREN, Mr. LUNDINE, Mr. FRANK, and Mr. ECKART of Ohio):

H.J. Res. 648. A joint resolution to direct the President to report on the status of implementation of the recommendations of the President's Commission on Industrial Competitiveness; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BILIRAKIS (for himself and Mr. MCEWEN):

H. Con. Res. 348. Concurrent resolution expressing the sense of the Congress on the resumption of the United Nations High Commissioner for Refugees' Orderly Departure Program for Vietnam; to the Committee on Foreign Affairs.

By Mr. BURTON of Indiana (for himself, Mr. KEMP, Mr. COBEY, Mr. MACK, Mr. HUNTER, Mr. WEBER, Mr. ROTH, Mr. WALKER, Mr. SMITH of New Jersey, Mr. SILJANDER, Mr. SWINDALL, Mr. HYDE, Mr. WOLF, Mr. OXLEY, Mr. LIVINGSTON, Mr. DORNAN of California, Mr. RITTER, Mr. DAUB, Mr. HARTNETT, Mr. ARCHER, Mr. LAGOMARSINO, Mrs. HOLT, Mr. WHITEHURST, and Mr. DEWINE):

H. Con. Res. 349. Concurrent resolution to implement the 1979 resolution of the Organization of American States on democracy in Nicaragua; to the Committee on Foreign Affairs.

By Mr. MCEWEN (for himself, Mr. BILIRAKIS, Mr. APPLEGATE, Mr. SMITH of New Jersey, Mr. SOLOMON, Mr. GILMAN, Mr. WYLIE, Ms. KAPTUR, Mr. DORNAN of California, Mr. DEWINE, Mr. LEACH of Iowa, Mr. MCCAIN, and Mr. LUKEN):

H. Res. 466. Resolution expressing the sense of the House of Representatives regarding the resumption of technical meetings with the Government of the Socialist Republic of Vietnam on the issues of the repatriation of remains of American servicemen, joint excavations of crash sites, and investigations of "live sighting" reports; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

398. By the SPEAKER: Memorial of the General Assembly of the State of Iowa, relative to Federal funds for the Job Training Partnership Program; to the Committee on Education and Labor.

399. Also, memorial of the Legislature of the State of Hawaii, relative to the reinsurance market crisis; to the Committee on Energy and Commerce.

400. Also, memorial of the Legislature of the State of Arizona, relative to the maximum speed limit on highways in certain rural areas; to the Committee on Public Works and Transportation.

401. Also, memorial of the House of Representatives of the State of Hawaii, relative to the Department of Energy's MOD-5B research wind turbine at Kahuku, HI; to the Committee on Science and Technology.

402. Also, memorial of the General Assembly of the State of Iowa, relative to the Social Security "notch" problem; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mrs. BOXER:

H.R. 4954. A bill for the relief of Howard W. Waite; to the Committee on the Judiciary.

By Mr. SAXTON:

H.R. 4955. A bill for the relief of Harold N. Holt; to the Committee on the Judiciary.

By Mr. SAXTON:

H. Res. 467. Resolution to refer the bill H.R. 4955 for the relief of Harold N. Holt to the chief judge of the United States Claims Court; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 85: Mr. MCCAIN.

H.R. 471: Mr. ROWLAND of Connecticut, Mr. PACKARD, and Mr. BOEHLERT.

H.R. 782: Mrs. BOXER.

H.R. 997: Mr. GRAY of Pennsylvania, Mr. RANGEL, Mr. WHEAT, Mr. STARK, Mr. EDWARDS of California, Mr. MORRISON of Connecticut, and Mrs. BURTON of California.

H.R. 1021: Mrs. VUCANOVICH.

H.R. 1402: Mr. HOWARD and Mr. GONZALEZ.

H.R. 1519: Mr. WHITLEY, Mr. EVANS of Illinois, Mr. ORTIZ, Mr. MINETA, Mr. SHUSTER, Mr. WYLIE, and Mr. MOLINARI.

H.R. 1875: Mr. MRAZEK, Mr. PARRIS, Mr. EMERSON, Mr. SHARP, Mr. GAYDOS, Mr. NEAL, Mr. ERDREICH, Mr. FOWLER, Mr. DE LUGO, Mrs. LONG, and Mr. BONER of Tennessee.

H.R. 2282: Mr. FORD of Tennessee, Mr. SCHUMER, Mr. HOYER, Mr. PERKINS, Mr. LIPINSKI, Ms. MIKULSKI, and Mr. REID.

H.R. 2659: Mr. PETRI.

H.R. 2902: Mr. FROST.

H.R. 2999: Mr. HAMMERSCHMIDT.

H.R. 3006: Mr. KINDNESS.

H.R. 3032: Mr. CARR and Mr. WHEAT.

H.R. 3263: Mr. FRANKLIN and Mr. DEWINE.

H.R. 3555: Mr. MCCAIN, Mr. KOLBE, Mr. VISCLOSKY, Mr. SOLARZ, Mr. SMITH of Florida, Mr. LOWERY of California, Mr. ARCHER, Mr. LEWIS of California, Mr. HUBBARD, Mr. PACKARD, Mr. GARCIA, Mr. AUCOIN, Mrs. BENTLEY, Mr. HYDE, and Mr. FIELDS.

H.R. 3644: Mr. SHAW.

H.R. 3661: Mr. ROBINSON, Mr. STARK, Mr. GREEN, Mr. HENDON, Mr. RUDD, and Mr. SKELTON.

H.R. 3799: Mr. GARCIA, Mr. ATKINS, Mr. SCHUMER, Mr. FRANK, Mr. PURSELL, Mr. DORGAN of North Dakota, Mr. JONES of North Carolina, Mr. MATSUI, Mr. MINETA, Mr. FASCELL, and Mr. MOAKLEY.

H.R. 3842: Mr. KOSTMAYER, Mr. DYSON, Mr. HOWARD, Mr. HERTEL of Michigan, Mr. OLIN, Mr. TORRES, Mr. BEVILL, Mr. LANTOS, Mr. BOLAND, Mr. NEAL, Mr. BARNARD, Mr. PACKARD, Ms. KAPTUR, Mr. CHENEY, Mr. CARPER, Mr. GALLO, Mr. ORTIZ, Mr. OWENS, Mr. MURTHA, Mr. MCEWEN, Mr. MILLER of Ohio, Mr. MARTIN of New York, Mr. MCDADE, Mr. MARKEY, Mr. HANSEN, Mr. MANTON, Mr. HARTNETT, Mr. HEFNER, Mr. HUNTER, Mr. KANJORSKI, and Mr. KASICH.

H.R. 3845: Mr. SOLARZ, Mr. SOLOMON, Mr. LOWRY of Washington, Mr. COELHO, Mr. GONZALEZ, and Mr. MCCURDY.

H.R. 3866: Mr. BRUCE and Mr. WISE.

H.R. 3894: Mr. DAVIS, Mr. WALGREN, Mr. BARNARD, Mr. HUCKABY, Mr. PARRIS, Mr. WEAVER, Mr. ASPIN, Mr. BOSCO, and Mr. SCHEUER.

H.R. 4003: Ms. KAPTUR, Mr. LEVIN of Michigan, Mr. ROYBAL, Mr. WAXMAN, Mr. WISE, Mr. PRICE, Mr. NIELSON of Utah, and Mr. SIKORSKI.

H.R. 4067: Mr. THOMAS of Georgia, Mr. RAHALL, Mr. STANGELAND, Mr. HAMILTON, Mr. CARR, Mr. PRICE, Mr. APPLEGATE, Mr. MCDADE, Mr. ROGERS, Mr. BARTON of Texas, Mr. WEBER, and Mr. QUILLEN.

H.R. 4107: Mr. BILIRAKIS.

H.R. 4142: Mr. HENRY, Mr. NIELSON of Utah, Mr. ROBINSON, Mr. MCMILLAN, Mr. FUQUA, Mr. BROWN of Colorado, Mr. HARTNETT, Mr. DANNEMEYER, Mr. MCCOLLUM, Mr. KOLTER, Mr. ANDERSON, Mr. CHAPPELL, Mr. YATRON, Mr. BOEHLERT, Mr. BEDELL, Mr. CHANDLER, Mr. CLINGER, Mr. BURTON of Indiana, Mr. RUDD, Mr. MURPHY, Mr. LEATH of Texas, Mr. DANIEL, Mr. FAZIO, Mr. LENT, Mr. BARNARD, Mr. HENDON, Mr. TRAFICANT, Mr. EVANS of Iowa, Mrs. HOLT, Mr. ARMEY, Mr. BRUCE, Mr. MCKINNEY, Mr. WORTLEY, Mr. HOWARD, Mr. HUTTO, Mr. LEHMAN of Florida, Mr. BEREUTER, Mr. GINGRICH, Mr. WIRTH, Mr. WHITEHURST, Mrs. BENTLEY, Mr. ROWLAND of Connecticut, Mr. WOLF, Mr. SHUMWAY, Mr. WEBER, Mr. NICHOLS, Mr. HANSEN, Mr. BOULTER, Mr. MURTHA, Mr. FOLEY, and Mr. REGULA.

H.R. 4194: Mr. DELLUMS.

H.R. 4245: Mr. LOTT.

H.R. 4343: Mr. DEWINE, Mr. RITTER, Mr. DAUB, and Mr. COBEY.

H.R. 4388: Mr. HYDE.

H.R. 4391: Mr. KILDEE.

H.R. 4424: Mr. DWYER of New Jersey, Mr. WHITEHURST, Mr. MACKAY, Mr. GARCIA, Mr. WORTLEY, and Mr. SMITH of Florida.

H.R. 4433: Mr. MONSON.

H.R. 4488: Mr. SILJANDER, Mr. YATES, Mr. WHITEHURST, Mr. GARCIA, and Mr. CARPER.

H.R. 4538: Mr. WOLF, Mr. DOWDY of Mississippi, Mr. BARTON of Texas, Mr. WALKER, Mr. BOEHLERT, and Mr. SHUSTER.

H.R. 4546: Mr. COATS and Mr. YOUNG of Florida.

H.R. 4636: Mr. MONSON.

H.R. 4660: Mr. DORGAN of North Dakota, Mr. BARNES, Mr. ROE, and Mrs. BOXER.

H.R. 4663: Mrs. BENTLEY and Mr. SMITH of New Hampshire.

H.R. 4664: Mrs. ROUKEMA, Mr. OLIN, Mr. COBEY, and Mr. SAVAGE.

H.R. 4671: Mrs. COLLINS, Mr. SMITH of New Hampshire, Mr. BONER of Tennessee, and Mr. JACOBS.

H.R. 4688: Ms. KAPTUR.

H.R. 4697: Mr. HYDE.

H.R. 4698: Mr. SEIBERLING, Mr. DOWNEY of New York, Mr. BUSTAMANTE, Mr. BATES, Mrs. BOXER, and Mr. PANETTA.

H.R. 4711: Mr. KILDEE, Mr. MONSON, Mr. KLECZKA, Mr. ROYBAL, Mr. SAVAGE, Mr. MARTINEZ, and Mr. BORSKI.

H.R. 4761: Mr. LAGOMARSINO, Mr. MANTON, Mr. OWENS, Mr. ROBINSON, Mr. GLICKMAN, Mr. BEVILL, Mr. WORTLEY, Mr. BRYANT, Mr. PEPPER, Mr. GARCIA, Mr. APPLEGATE, Mr. HENRY, Mr. DWYER of New Jersey, Mrs. VUCANOVICH, Mr. SMITH of New Hampshire, Mr. LENT, Mrs. BENTLEY, Mr. WALGREN, Mr. DERRICK, Mr. FIELDS, Mr. STENHOLM, Ms. KAPTUR, Mr. OXLEY, and Mr. NEAL.

H.R. 4787: Mr. WORTLEY, Mr. BERMAN, and Mr. NEAL.

H.R. 4825: Ms. MIKULSKI.

H.R. 4847: Mr. WOLPE.

H.R. 4849: Mr. HENRY, Mrs. SCHNEIDER, Mr. TRAFICANT, Mr. SENSENBRENNER, Mr. MORRISON of Washington, Mr. LEWIS of Florida, Mr. LUNDINE, Mr. DUNCAN, Mr. LENT, Mr. KINDNESS, Mr. JACOBS, Mr. MCMILLAN, Mr. PASHAYAN, Mr. COBEY, Mr. MARTIN of New York, Mr. JEFFORDS, Mr. TAYLOR, Mr. FRANKLIN, Mr. BONKER, Mr. MCGRATH, Mr. LOWRY of Washington, Mr. PURSELL, Mr. LEACH of Iowa, Mr. ROWLAND of Connecticut, Mr. MACK, Mr. GALLO, Mr. SAXTON, Mr. SUNDQUIST, and Mr. RIDGE.

H.R. 4856: Mr. MCCLOSKEY, Mr. WHITEHURST, Mr. KINDNESS, Mr. WISE, Mr. BEVILL, and Ms. KAPTUR.

H.R. 4868: Mr. ANDREWS, Mr. BATES, Mr. BEDELL, Mr. BIAGGI, Mr. ACKERMAN, Mr. ATKINS, Mrs. BOGGS, Mr. BORSKI, Mrs. BOXER, Mr. BROWN of California, Mr. BRYANT, Mr. CARPER, Mr. CARR, Mr. CLAY, Mrs. BURTON of California, Mrs. COLLINS, Mr. CONYERS, Mr. COUGHLIN, Mr. CROCKETT, Mr. DIXON, Mr. DE LUGO, Mr. DOWNEY of New York, Mr. DURBIN, Mr. EDGAR, Mr. EVANS of Illinois, Mr. FEIGHAN, Mr. FOGLIETTA, Mr. FRANK, Mr. GEJDENSON, Mr. GLICKMAN, Mr. GONZALEZ, Mr. HAWKINS, Mr. HEFTEL of Hawaii, Mr. HOWARD, Mr. HOYER, Mr. JACOBS, Mr. KASTENMEIER, Mrs. KENNELLY, Mr. KILDEE, Mr. KOSTMAYER, Mr. LANTOS, Mr. LEHMAN of California, Mr. LEVINE of California, Mr. LOWRY of Washington, Mr. LUNDINE, Mr. MARKEY, Mr. MARTINEZ, Mr. MATSUI, Mr. MCHUGH, Mr. MINETA, Mr. MITCHELL, Mr. MOLLOHAN, Mr. MOODY, Mr. MRAZEK, Mr. NEAL, Mr. OBERSTAR, Mr. OWENS, Mr. PEPPER, Mr. RAHALL, Mr. ROYBAL, Mr. SEIBERLING, Mr. STARK, Mr. STOKES, Mr. STUDDS, Mr. TORRICELLI, Mr. TRAXLER, Mr. UDALL, Mr. VISCLOSKY, Mr. WALGREN, Mr. WEAVER, Mr. YATES, Mr. YATRON, Mr. YOUNG of Missouri, Mr. MILLER of California, Mr. RICHARDSON, and Mr. WIRTH.

H.R. 4871: Mr. REID and Mr. RAHALL.

H.R. 4886: Mr. RICHARDSON, Mr. BATES, Mr. SWIFT, Mr. SYNAR, Mr. LELAND, Mr. WALGREN, and Mr. TRAFICANT.

H.R. 4887: Mr. KRAMER, Mrs. SMITH of Nebraska, Mr. KINDNESS, Mr. RALPH M. HALL, Mr. LOTT, Mr. SWEENEY, and Mr. SHUMWAY.

H.R. 4917: Mr. LEACH of Iowa.

H.R. 4919: Mr. BATES, Mr. BEDELL, Mr. BERMAN, Mr. BOUCHER, Mrs. BOXER, Mr. DASCHLE, Mr. DIXON, Mr. DWYER of New Jersey, Mr. ECKART of Ohio, Mr. EDGAR, Mr. FASCELL, Mr. FORD of Tennessee, Mr. FROST, Mr. GEJDENSON, Mr. HAMILTON, Mr. KOSTMAYER, Mr. LEHMAN of California, Mr. LEVINE of California, Mr. MATSUI, Mr. MCCLOSKEY, Mr. MCHUGH, Mr. MICA, Ms. MIKULSKI, Mr. NEAL, Mr. NOWAK, Mr. OBEY, Mr. PEASE, Mr. PEPPER, Mr. RUSSO, Mr. SABO, Mr. SHARP, Mr. SMITH of Florida, Mr. STAGGERS, Mr. WAXMAN, Mr. WHEAT, Mr. WILLIAMS, and Mr. YATES.

H.J. Res. 10: Mr. DORNAN of California, Mr. FROST, Mr. GONZALEZ, Mr. KLECZKA, Mr. LIPINSKI, Mr. MINETA, and Mr. SUNIA.

H.J. Res. 131: Mrs. JOHNSON, Mr. MAZZOLI, Mr. COURTER, Mr. DOWDY of Mississippi, Mr. HARTNETT, Mr. BURTON of Indiana, and Mr. ECKERT of New York.

H.J. Res. 244: Mr. FAWELL, Mr. HAYES, Mr. RUSSO, and Mr. HERTEL of Michigan.

H.J. Res. 379: Mr. WHEAT, Mr. JONES of Tennessee, Mrs. VUCANOVICH, and Mr. NOWAK.

H.J. Res. 381: Mr. RAHALL and Mr. HANSEN.

H.J. Res. 429: Mr. ANTHONY, Mr. SMITH of New Jersey, Mr. GEKAS, Mr. FROST, Mr. REID, Mr. NOWAK, Mr. STARK, Mr. FORD of Michigan, Mr. FLIPPO, and Mr. LIPINSKI.

H.J. Res. 451: Mr. PICKLE and Ms. OAKAR.

H.J. Res. 524: Mr. KINDNESS, Mr. GALLO, Mr. KRAMER, and Mr. SAXTON.

H.J. Res. 531: Mr. LIGHTFOOT, Mr. FOWLER, Mr. COYNE, Mr. BOSCO, Mr. FEIGHAN, Mr. LANTOS, and Mr. CARPER.

H.J. Res. 572: Mr. FASCELL, Mr. VENTO, and Mr. RAY.

H.J. Res. 574: Mr. WYLIE, Mr. APPLEGATE, Mr. CLINGER, Mr. SCHAEFER, and Mr. DE LUGO.

H.J. Res. 584: Mr. BORSKI, Mr. DE LA GARZA, Mr. YOUNG of Alaska, Mr. MONSON, Mr. ROE, Mr. MARTINEZ, Mr. HYDE, Mr. SHUMWAY, Mr. PACKARD, Mr. FOGLIETTA, Mr. GONZALEZ, Mr. HAYES, Mr. HENRY, Mr. MONTGOMERY, Mr. WOLF, Mr. RICHARDSON, Mrs. BENTLEY, Ms. OAKAR, Mr. ACKERMAN, Mr. WILSON, Mr. MURTHA, Mr. HUTTO, Mr. KOLBE, Mr. COLEMAN of Missouri, Mr. VALENTINE, Mr. RALPH M. HALL, Mr. WEBER, Mr. DE LUGO, Mr. LELAND, Mr. MATSUI, Mrs. HOLT, Mr. APPLEGATE, and Mr. KINDNESS.

H.J. Res. 588: Mr. SAXTON, Mr. FAZIO, Mr. DORNAN of California, Mr. KASICH, Mr. LIPINSKI, Mr. LAGOMARSINO, Mr. SMITH of Florida, Mr. ANDREWS, Mr. RAHALL, Mr. BRYANT, Mr. HUTTO, Mr. ROE, Mr. DE LA GARZA, Mr. HALL of Ohio, Mr. MCGRATH, Mr. LEVIN of Michigan, Mr. HORTON, Mr. NIELSON of Utah, Mr. MARTINEZ, Mr. SCHUMER, Mr. FROST, Mr. HOWARD, Mr. DELAY, Mr. CLINGER, Mr. LEWIS of Florida, Mr. LUNDINE, Mr. CONTE and Mr. THOMAS of California.

H.J. Res. 594: Mr. NICHOLS, Mr. SOLARZ, Mr. MARKEY, Mrs. MEYERS of Kansas, Ms. MIKULSKI, Mr. DORNAN of California, and Mr. LEWIS of Florida.

H.J. Res. 607: Mr. BEVILL, Mr. BRYANT, Mr. CHAPMAN, Mr. COLEMAN of Texas, Mr. COMBEST, Mr. DARDEN, Mr. DOWNEY of New York, Mr. FIELDS, Mr. FISH, Mr. GLICKMAN, Mr. GORDON, Mr. RALPH M. HALL, Mr. HATCHER, Mr. HORTON, Mr. HUTTO, Mr. LEVIN of Michigan, Mr. LIPINSKI, Mr. LOWRY of Washington, Mr. MARTINEZ, Mr. MRAZEK, Mr. NELSON of Florida, Mr. OLIN, Mr. PENNY, Mr. PEPPER, Mr. PICKLE, Mr. SKELTON, Mr. SMITH of Florida, Mr. SPRATT, Mr. STENHOLM, Mr. SYNAR, and Mr. THOMAS of Georgia.

H.J. Res. 611: Mr. ANDERSON, Mr. BONER of Tennessee, Mr. BONIOR of Michigan, Mr. BORSKI, Mr. BOSCO, Mr. CALLAHAN, Mr. DONNELLY, Mr. DOWNEY of New York, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. DYSON, Mr. ERDREICH, Mr. CHAPPIE, Mrs. COLLINS, Mr. DEWINE, Mr. BENNETT, Mr. FRANK, Mr. KASICH, Mr. FUSTER, Mr. GRAY of Illinois, Mr. GUARINI, Mr. HAYES, Mr. KOSTMAYER, Mr. LELAND, Mr. MANTON, Mr. MATSUI, Mr. MINETA, Mr. MOAKLEY, Mr. MOORHEAD, Mr. MORRISON of Connecticut, Mr. MURPHY, Mr. NEAL, Mr. O'BRIEN, Mr. LEHMAN of Florida, Mr. PORTER, Mr. ROE, Mr. SCHUMER, Mr. SNYDER, Mr. TALLON, Mr. TAUKE, Mr. TOWNS, Mr. TRAFICANT, Mr. YATES, Mr. ROSE, Mr. CONYERS, Mr. LUKEN, Mr. FROST, Mr. DANIEL, Mr. FEIGHAN, Mr. EDGAR, Mr. FOGLIETTA, Mr. TAUZIN, Mr. BUSTAMANTE, Mr. BLILEY, Mr. HUBBARD, Mr. HUNTER, Mrs. JOHNSON, Mr. FAZIO, Mr. HEFNER, and Mr. YATRON.

H.J. Res. 642: Mr. MANTON, Mr. RALPH M. HALL, Mr. NEAL, Mr. SHELBY, Mr. BLAZ, Mr. GORDON, and Mr. HANSEN.

H.J. Res. 645: Mr. ANTHONY.

H. Con. Res. 129: Mr. PETRI.

H. Con. Res. 244: Mr. BATES, Mr. HEFTEL of Hawaii, Mr. HOYER, Mr. RICHARDSON, and Mr. WEISS.

H. Con. Res. 326: Mr. KEMP.

H. Con. Res. 332: Mr. ROBINSON, Mr. WAXMAN, Mr. WIRTH, Mr. YOUNG of Missouri, and Mr. MARTINEZ.

H. Con. Res. 334: Mr. ROBINSON and Mr. MARTINEZ.

H. Con. Res. 338: Mr. UDALL and Mr. BEDELL.

H. Con. Res. 344: Mr. SLATTERY, Mrs. BENTLEY, Mr. SYNAR, Mr. DORGAN of North Dakota, Mr. LOWRY of Washington, Mr. LUJAN, Mr. SKEEN, and Mr. STAGGERS.

H. Res. 394: Mr. MONSON.

H. Res. 400: Mr. BIAGGI, Mr. SEIBERLING, Mr. SCHUMER, Mr. WALGREN, Mr. FORD of Michigan, Mr. KILDEE, Mr. FRANK, Mr. GARCIA, Mr. WAXMAN, Mr. RAHALL, Mr. SMITH of Florida, Mr. GRAY of Illinois, Ms. OAKAR, Mr. OWENS, Mr. FUSTER, Mr. SIKORSKI, Mr. PERKINS, Mr. ECKART of Ohio, Mr. FEIGHAN, Mr. TRAFICANT, Mr. WISE, Mr. VOLKMER, Mr. MCCLOSKEY, Mr. LEVIN of Michigan, Mr. APPLEGATE, Ms. KAPTUR, Mr. BENNETT, Mr. SHELBY, Mr. SCHEUER, Mr. MORRISON of Connecticut, Mr. ROE, Mr. MARTINEZ, Mr. PEPPER, Mr. RALPH M. HALL, Mr. MILLER of California, Mr. LEVINE of California, Mr. FOLEY, Mr. MITCHELL, Mr. FLORIO, Mr. EDWARDS of California, Mr. ROSE, Mr. EVANS of Illinois, Mr. VENTO, Mr. HOWARD, Mr. BERMAN, Mr. MINETA, Mr. ATKINS, Mr. RICHARDSON, Mr. ROYBAL, Mr. LAFALCE, Mr. DOWNEY of New York, Mr. LUNDINE, Mr. ALEXANDER, and Mr. DE LUGO.

H. Res. 423: Ms. KAPTUR, Mrs. SMITH of Nebraska, Mr. COOPER, Mr. FAUNTROY, Mr. MITCHELL, Mr. HAYES, Mr. DWYER of New Jersey, Mr. DORGAN of North Dakota, Mr. SAVAGE, Mr. DASCHLE, and Mr. DE LUGO.

H. Res. 451: Ms. MIKULSKI, Mr. BOEHLERT, Mr. RANGEL, and Mr. SPENCE.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

378. By the SPEAKER; Petition of the Council of the Borough of Woodstown, NJ, relative to an amendment to the 16th amendment of the Constitution of the United States; to the Committee on the Judiciary.

379. Also, petition of the Council of the Township of Berkeley, NJ, relative to proposed legislation to license recreational salt water sports fishermen; to the Committee on Merchant Marine and Fisheries.

380. Also, petition of the Board of Governors, North Carolina Bar Association, Raleigh, NC, relative to salaries of the members of the Federal Judiciary; to the Committee on Post Office and Civil Service.

381. Also, petition of the City Council of Wickliffe, OH, relative to "Save American Industry/Jobs Day"; to the Committee on Post Office and Civil Service.